P9_TA(2023)0253

New Regulation on Construction Products

Amendments adopted by the European Parliament on 11 July 2023 on the proposal for a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (COM(2022)0144 – C9-0129/2022 – 2022/0094(COD)) [1]

(Ordinary legislative procedure: first reading)

(C/2024/4018)

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission	*Amendment*
(2) In order for a construction product to be placed on the market, the manufacturer is obliged to draw a declaration of performance for such product. The manufacturer assumes the responsibility for the conformity of the product with such declared performance. Certain ***exemptions to*** this obligation ***are provided***.	(2) In order for a construction product ***covered by a harmonised technical specification*** to be placed on the market, the manufacturer is obliged to draw ***up*** a declaration of performance for such product. The manufacturer assumes the responsibility for the conformity of the product with such declared performance. Certain ***products should be exempted from*** this obligation***, such as individually manufactured or custom-made products***.

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0207/2023).

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Amendment*
(4) It is necessary to establish well-functioning information flows, including via electronic means, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.	(4) It is necessary to establish well-functioning information flows, including via electronic means ***and in a machine-readable format***, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.

Amendment 3

Proposal for a regulation

Recital 7

Text proposed by the Commission	*Amendment*
(7) Pursuing ***the*** environmental goals, including the fight against climate change, makes it necessary to establish new environmental obligations and ***to lay the ground for the development and the application of*** an assessment method for the calculation of the environmental sustainability of construction products. For the same reason, it is necessary to extend the range of regulated economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and	(7) Pursuing environmental goals, including the fight against climate change ***and the transition towards a circular economy***, makes it necessary to establish***, without increasing disproportionately bureaucracy and costs for economic operators, especially for SMEs,*** new environmental obligations and ***develop and apply*** an assessment method for the calculation of the environmental sustainability of construction products ***based on EN 15804 and widely used Environmental Product Declarations ('EPDs') by construction product manufacturers. This is essential to ensure the correct calculation of the environmental impact at the building level according to EN 15978***. For the same reason, it is

Text proposed by the Commission	*Amendment*
upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.	necessary to extend the range of regulated economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission	*Amendment*
(8) To ensure safety and functionality of construction products and, by extension, of construction works***, it is necessary to avoid that items that are not intended by their manufacturers to be construction products are placed on the market as construction products. Importers, distributors and other downstream economic operators should therefore ensure that those pseudo construction products are not sold as construction products. Moreover***, certain service providers such as fulfilment ***service providers or 3D-printing*** service providers should not contribute to the non-compliances of other economic operators. It is therefore necessary to render relevant provisions applicable also to these services and their providers.	(8) To ensure safety and functionality of construction products and, by extension, of construction works ***as well as workers and consumers***, certain service providers such as fulfilment service providers should not contribute to the non-compliances of other economic operators. It is therefore necessary to render relevant provisions applicable also to these services and their providers.

Amendment 5

Proposal for a regulation

Recital 9

Text proposed by the Commission	*Amendment*
(9) It is possible that different ***economic operators provide a 3D-printing dataset, a 3D-printing machine or mould, and the material to be used therein, leading to a situation where none of those operators would be responsible for the safety and appropriate performance of the 3D-printed product***. ***To avoid possible safety risks in this respect,*** it is therefore necessary to ***lay down provisions for 3D-printing datasets, materials intended to be used for 3D-printing and for 3D-printing services that permit 3D-printing of*** construction products***, so that, by respecting these provisions, the economic operators jointly reach a level of safety similar to the one ensured for ordinary construction*** products.	(9) It is possible that different ***natural or legal persons 3D-print construction products***. It is therefore necessary to ***clarify that a natural or legal person that 3D-prints*** construction products ***when placing on the market products for clients should fulfil the obligations incumbent on manufacturers. In addition, it is necessary to ensure that that person uses the appropriate 3D-datasets, as well as that the materials used have undergone the procedures applicable to*** products ***and that the information provided by the manufacturer of the 3D-dataset and the information provided by the manufacturer of the printing material coincide***.

Amendment 6

Proposal for a regulation

Recital 10

Text proposed by the Commission	*Amendment*
(10) ***In order to ensure safety and protection of the environment and to close a regulatory loophole that would otherwise exist, it is necessary to clarify that construction products manufactured on the construction site for immediate incorporation into the construction works are subject to the same rules as other construction products. Micro-enterprises, however, often individually manufacture and install products on site.*** Subjecting ***those*** micro-enterprises under all circumstances to the same rules as other enterprises would disproportionally affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected.	(10) Subjecting micro-enterprises under all circumstances to the same rules as other enterprises would disproportionally affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected. ***Local authorities should be provided with the necessary financing mechanisms to help micro-enterprises access and be part of the sustainable product market.***

Amendment 7

Proposal for a regulation

Recital 11

Text proposed by the Commission	*Amendment*
(11) Ensuring the free movement of kits ***or assemblies*** of construction products on the internal market will bring tangible benefits to citizens, consumers and businesses, particularly. ***However, for reasons of legal certainty, their composition should be precisely defined in harmonised technical specifications or European assessment documents.***	(11) Ensuring the free movement of kits of construction products on the internal market will bring tangible benefits to citizens, consumers and businesses, particularly.

Amendment 8

Proposal for a regulation

Recital 12

Text proposed by the Commission	*Amendment*
(12) Creating a Union market for small prefabricated one-family houses has a potential to reduce the price of housing and to have positive social and economic effects. Fairness to consumers remains a priority, specifically but not limited to ensuring affordability of housing in the context of the green transition, in line with Proposal for Council Recommendation on Ensuring a fair transition towards climate neutrality [40] ***, in particular recommendations 7 a)-c). It is therefore necessary to lay down harmonised rules for such small houses. However, small houses are also construction works, for which the Member States are competent. As it might not be possible to integrate cumulatively all national requirements for small prefabricated one-family houses into the future harmonised technical specifications, Member States should have the right to opt out of the application of rules that are to apply to those pre-fabricated one-family houses.***	***deleted***

Text proposed by the Commission	*Amendment*
(40) Proposal for a Council Recommendation on Ensuring a fair transition towards climate neutrality COM(2021)801final 2021/0421 (NLE)	

Amendment 9

Proposal for a regulation

Recital 14

Text proposed by the Commission	*Amendment*
(14) Construction products that have already been assessed and are reused should not be subject to the rules that apply to new construction products. However, used construction products that have never been placed on the Union market before, should be subject to the same rules as new construction products, given that such products have never been assessed.	(14) Construction products that have already been assessed and are reused should not be subject to the rules that apply to new construction products. However, used construction products that have never been placed on the Union market before, should be subject to the same rules as new construction products, given that such products have never been assessed. ***This applies to construction products manufactured on the construction site for immediate incorporation into the construction works.***

Amendment 10

Proposal for a regulation

Recital 15

Text proposed by the Commission	*Amendment*
(15) To ensure that safety and functionality of construction products is safeguarded, rules applicable to new construction products should also apply to used construction products where the intended use is changed, except to decoration purposes, for used construction products with unclear initial intended use, for used construction products which have undergone an important transformative process ***and*** for used construction products for which an economic operator claims additional characteristics or the fulfilment of product requirements.	(15) To ensure that safety and functionality of construction products is safeguarded, rules applicable to new construction products should also apply to used construction products where the intended use is changed, except to decoration purposes, for used construction products with unclear initial intended use, for used construction products which have undergone an important transformative process***,*** for used construction products for which an economic operator claims additional characteristics or the fulfilment of product requirements ***and for used construction products that the economic operator is placing on the market for the first time***.

Amendment 11

Proposal for a regulation

Recital 17

Text proposed by the Commission	*Amendment*
(17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market ***or directly installed*** in the outermost regions of the European Union from those requirements.	(17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market in the outermost regions of the European Union from those requirements.

Amendment 12

Proposal for a regulation

Recital 18

Text proposed by the Commission	*Amendment*
(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. ***It follows the recent trend in*** product legislation ***to develop*** a fall-back solution where the ***European Standardisation Organisations do not deliver harmonised standards which can be cited in the Official Journal***. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the ***new back-up empowerments for the*** Commission should ***be even more comprehensive,*** permitting to optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress.	(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. ***However, in line with other*** product legislation***, this Regulation provides*** a fall-back solution ***in exceptional and well-defined cases*** where the ***application of a legislative act is at risk***. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the Commission ***in collaboration with European standardisation organisations*** should ***establish a workable solution*** permitting to optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress.

Amendment 13

Proposal for a regulation

Recital 19

Text proposed by the Commission	*Amendment*
(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States' ability to request safety and environmental, including climate-related, product characteristics in view of their specific national situation. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to	(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States' ability to request safety and environmental, including climate-related, product characteristics in view of their ***differences in climate, geology and geography and other conditions prevailing in the Member States'*** specific national situation. When pursued together, these two goals require that products are assessed by a single assessment

Text proposed by the Commission	*Amendment*
make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.	method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.

Amendment 14

Proposal for a regulation

Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to contribute to the objectives of the European Green Deal ***and*** the Circular Economy Action Plan, and to ensure safe construction products, safety being one of the goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality and protection of environment, including climate, are necessary. When setting these requirements, the Commission should take into account ***their*** potential contribution to achieving Union climate, environmental and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of the product. These standards demonstrate that there is a practical need for such requirements on	(20) In order to contribute to the objectives of the European Green Deal***,*** the Circular Economy ***Action Plan and the Zero Pollution*** Action Plan, and to ensure safe construction products, safety being one of the goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality and protection of environment, including climate, are necessary. When setting these requirements, the Commission should ***address the safety risks and*** take into account ***the requirements'*** potential contribution to achieving Union climate, environmental and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of

Text proposed by the Commission	*Amendment*
safety, the environment or simply the functioning of products. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. ***Whilst these requirements need to be laid down by the legislator, there is a need for specifying them for the more than 30 product families, each with several categories.*** Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify ***the*** requirements for the respective construction product family or category.	the product. These standards demonstrate that there is a practical need for such requirements on safety, the environment or simply the functioning of products. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify ***those*** requirements for the respective construction product family or category.

Amendment 15

Proposal for a regulation

Recital 21

Text proposed by the Commission	*Amendment*
(21) Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers. For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling***, the repackaging*** or secondary trade, installation, de-installation for re-use or remanufacturing, and the remanufacturing itself. Moreover, suppliers should be obliged to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term 'economic	(21) Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers. For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling or secondary trade, installation, de-installation for re-use or remanufacturing, and the remanufacturing itself. Moreover, suppliers should be obliged to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term 'economic operator'

Text proposed by the Commission	*Amendment*
operator' should be defined widely, encompassing all those actors so that basic generic obligations can in one strike be established for all of them.	should be defined widely, encompassing all those actors so that basic generic obligations can in one strike be established for all of them. ***However, the widening of the scope for such obligations as regards service providers should not be wrongly interpreted as an obligation for those service providers merely concerned with the installation of products as regards CE-labelled products that they are handling in connection with their profession. That obligation will remain exclusively with the manufacturer or any natural or legal persons acting on its behalf.***

Amendment 16

Proposal for a regulation

Recital 23

Text proposed by the Commission	*Amendment*
(23) In order to improve ***the*** legal certainty and to mitigate the fragmentation of the EU market for construction products due to the existence of national requirements and marks, it is necessary to clearly define the area regulated at the EU level, the so-called 'harmonised zone', as opposed to the elements remaining within the remit of Member States' national regulatory sphere.	(23) In order to improve legal certainty and to mitigate the fragmentation of the EU market for construction products due to the existence of national requirements and marks, it is necessary to clearly define the area regulated at the EU level, the so-called 'harmonised zone', as opposed to the elements remaining within the remit of Member States' national regulatory sphere.

Amendment 17

Proposal for a regulation

Recital 23 a (new)

Text proposed by the Commission	*Amendment*
	(23a) Member States set the safety level for construction works on the basis of their responsibilities towards their citizens, while the Union determines the framework conditions for the internal market. The competence to adopt provisions on construction works remains with the Member States. The basic requirements for construction works set out in Annex I, Part A of this Regulation establish the links to construction products that are technically necessary, and serve as a basis for issuing standardisation requests to the European standardisation organisations for the development of standards for construction products, as well as for the development of European Assessment Documents and corresponding delegated acts.

Amendment 18

Proposal for a regulation

Recital 23 b (new)

Text proposed by the Commission	*Amendment*
	(23b) The harmonised zone should also apply to public contracts, grants or other positive incentives with the exception of fiscal incentives.

Amendment 19

Proposal for a regulation

Recital 24

Text proposed by the Commission	*Amendment*
(24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the ***legitimate interests of*** Member States to regulate construction works, it is necessary to provide for a mechanism to better integrate Member States' needs into the development of harmonised technical specifications. For the ***same*** reason, a mechanism allowing Member ***State*** to set, based on imperative grounds of health, safety or environmental protection***,*** additional requirements for construction products should be established.	(24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the Member States***' competence*** to regulate construction works, it is necessary to provide for a mechanism to better integrate Member States' needs into the development of harmonised technical specifications. ***Member States are responsible*** for the ***safety, environmental and energy requirements that apply to construction and civil engineering works. For this*** reason, a mechanism allowing Member ***States*** to set, based on imperative grounds of health, safety or environmental protection additional requirements for construction products should be established ***in order to enable Member States to react to special circumstances in their territory***.

Amendment 20

Proposal for a regulation

Recital 25

Text proposed by the Commission	*Amendment*
(25) A circular economy, the key element of the Circular Economy Action Plan, can be promoted by mandatory deposit-refund systems and the obligation to take back unused products. Member States should therefore be allowed to take ***such*** measures.	(25) A circular economy, the key element of the Circular Economy Action Plan, can be promoted by mandatory deposit-refund systems and the obligation to take back ***used or*** unused ***non-custom-made*** products. Member States should therefore be allowed to take measures ***in order to ban the unnecessary destruction of construction products***.

Amendment 21

Proposal for a regulation

Recital 26

Text proposed by the Commission	*Amendment*
(26) In order to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements. The Commission should thus be able to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation***, where otherwise the same aspect of health, safety or protection of the environment, including climate, would be assessed in parallel under this Regulation and other Union law***.	(26) In order to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements. The Commission should thus be able to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation.

Amendment 22

Proposal for a regulation

Recital 27

Text proposed by the Commission	*Amendment*
(27) Moreover, in order to avoid diverging practices of Member States and economic operators, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction product.	(27) Moreover, in order to avoid diverging practices of Member States and economic operators***, at the request of one or more Member States***, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction product.

Amendment 23

Proposal for a regulation

Recital 28

Text proposed by the Commission	*Amendment*
(28) ***In particular,*** in the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement***,*** priority for the setting of sustainability requirements will be given to the [ESPR]. ***This should be the case for instance for*** heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.	(28) In the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement priority for the setting of sustainability requirements will be given to the [ESPR]. ***The intermediary products concerned are*** heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.

Amendment 24

Proposal for a regulation

Recital 33

Text proposed by the Commission	*Amendment*
(33) In order to reduce the burden for economic operators and in particular manufacturers, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document or to include in those declarations permalinks to unamendable documents.	(33) In order to reduce the burden for economic operators and in particular manufacturers, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document or to include in those declarations permalinks to unamendable documents. ***In order to simplify supply chain communication, declarations of performance and declarations of conformity should additionally be made available in a machine-readable format. This would allow the user via an app to check conformity with the application rules of the Member State where the product is used. An important prerequisite for machine-readable declarations is a standardised IT format, which is required for each harmonised technical specification. The CEN Workshop Agreement CWA 17316 "Smart CE marking for construction products" provides a basis for the development of harmonised XML formats for declarations of performance, which could be used to complement harmonised standards and harmonised technical specifications accordingly.***

Amendment 25

Proposal for a regulation

Recital 33 a (new)

Text proposed by the Commission	*Amendment*
	(33a) Pending the revision of the harmonised technical specifications in accordance with this Regulation, the declarations of performance and conformity might contain permalinks to unamendable environmental product declarations or other unamendable documents containing the requested information.

Amendment 26

Proposal for a regulation

Recital 35

Text proposed by the Commission	*Amendment*
(35) In order to reach alignment with other product legislation and subject to the general principles of Regulation (EC) No 765/2008, the CE marking should be affixed to construction products for which the manufacturer has drawn up a declaration of performance or conformity. The manufacturer thereby takes the responsibility for the conformity of the product with the declared performance and applicable product requirements.	(35) In order to reach alignment with other product legislation and subject to the general principles of Regulation (EC) No 765/2008, the CE marking should be affixed to construction products for which the manufacturer has drawn up a declaration of performance or conformity. The manufacturer thereby takes the responsibility for the conformity of the product with the declared performance and applicable product requirements. ***A CE marking should be sufficient proof of the conformity of a product with the characteristics and requirements laid down by this Regulation. Member States should not therefore introduce any barriers to their markets based on characteristics and requirements that are not covered by the harmonised zone.***

Amendment 27

Proposal for a regulation

Recital 35 a (new)

Text proposed by the Commission	*Amendment*
	(35a) Markings other than the CE marking, including private ones, might contain additional information that could help users to make an informed choice on which product would be best suited for the needs of their construction works.

Amendment 28

Proposal for a regulation

Recital 35 b (new)

Text proposed by the Commission	*Amendment*
	(35b) The procedural rights of all economic operators and natural or legal persons acting on their behalf in relation to measures, decisions or orders taken by competent national authorities should be ensured in line with Regulation (EU) 2019/1020. Member States should ensure that adequate appeal procedures against such measures, decisions or orders are in place.

Amendment 29

Proposal for a regulation

Recital 36

Text proposed by the Commission	*Amendment*
(36) To ensure safety, functionality and sustainability of construction products, and by extension of construction works, all economic operators intervening in the supply ***and distribution*** chain should take appropriate measures to ensure that they place or make available on the market only construction products which are in compliance with the binding Union requirements. In order to improve the legal clarity, it is necessary to set explicitly the obligations of economic operators.	(36) To ensure safety, functionality and sustainability of construction products, and by extension of construction works, all economic operators intervening in the supply chain should take appropriate measures to ensure that they place or make available on the market only construction products which are in compliance with the binding Union requirements. In order to improve the legal clarity, it is necessary to set explicitly the obligations of economic operators.

Amendment 30

Proposal for a regulation

Recital 38

Text proposed by the Commission	*Amendment*
(38) To avoid misleading claims, any claims made by manufacturers of construction products should either be based on an assessment method contained in harmonised technical specifications or, where no such assessment method exists, on methods representing the best available techniques, where no such assessment method provided by a harmonised technical specification exists.	***deleted***

Amendment 31

Proposal for a regulation

Recital 39

Text proposed by the Commission	*Amendment*
(39) Technical documentation about construction products, drawn by the manufacturer, facilitates the verification of those products by authorities and notified bodies against the Union requirements. To enhance access to comprehensive information, that technical documentation should include ***an assessment of the environmental sustainability*** of the construction product.	(39) Technical documentation about construction products, drawn by the manufacturer, facilitates the verification of those products by authorities and notified bodies against the Union requirements. To enhance access to comprehensive information, that technical documentation should include ***the essential characteristics related to life cycle*** of the construction product.

Amendment 32

Proposal for a regulation

Recital 40

Text proposed by the Commission	*Amendment*
(40) To create transparency for users of construction products and to avoid inappropriate use of those products, construction products and their intended use should be precisely identified by the manufacturer. For the same reason, the manufacturer should make clear whether the construction products are intended for professional use only, ***or also for use by consumers***. To ensure that construction products can be traced back, manufacturers should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it.	(40) To create transparency for users of construction products and to avoid inappropriate use of those products, construction products and their intended use should be precisely identified by the manufacturer. For the same reason, the manufacturer should make clear whether the construction products are intended for professional use only, ***particularly where expertise is needed in order to use the product***. To ensure that construction products can be traced back, ***information that enables*** manufacturers ***to be identified*** should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it.

Amendment 33

Proposal for a regulation

Recital 42

Text proposed by the Commission	*Amendment*
(42) To optimise the pursuit of the goals of the European Green Deal and of the Circular Economy Action Plan, the manufacturers should be obliged to ***reach a fair level of environmental sustainability, both for*** their products and ***their*** manufacturing. This obligation requires trade-off-decisions between different environmental aspects and between environmental and safety aspects, whilst both environmental and safety aspects can relate to the product as such or to the construction works. To give manufacturers certainty about how to make these trade-off decisions, this Regulation should set out clear trade-off rules.	(42) To optimise the pursuit of the goals of the European Green Deal and of the Circular Economy Action Plan, the manufacturers should be obliged to ***ensure that both*** their products and manufacturing ***contribute significantly to the Union's climate and environmental objectives by substantially improving their products' environmental footprint***. This obligation requires trade-off-decisions between different environmental aspects and between environmental and safety aspects, whilst both environmental and safety aspects can relate to the product as such or to the construction works. To give manufacturers certainty about how to make these trade-off decisions, this Regulation should set out clear trade-off rules.

Amendment 34

Proposal for a regulation

Recital 43

Text proposed by the Commission	*Amendment*
(43) With the goals of ensuring sustainability and durability of construction products, manufacturers should ensure that products can be used for ***a very long time***. Such long use requires adequate design, use of reliable parts, reparability of products, availability of information on repair and access to replacement parts.	(43) With the goals of ensuring sustainability and durability of construction products, manufacturers should ensure that products can be used for ***as long as possible***. Such long use requires adequate design, use of reliable parts, reparability of products, availability of information on repair and access to replacement parts.

Amendment 35

Proposal for a regulation

Recital 44

Text proposed by the Commission	*Amendment*
(44) In view of enhancing the circularity of construction products, in line with the goals of the Circular Economy Action Plan, manufacturers should ***favour re-use,*** remanufacturing ***and*** recycling of their products. The (preparation for) re-use, remanufacturing and recycling require ***certain*** design, namely ***by*** facilitating the separation of components and materials at the later stage of recycling and avoiding mixed, blended or intricate materials. As the usual instructions for use will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling, the necessary information in this regard should be made available in product ***databases or systems*** and on the manufacturer's websites, in addition to the instructions for use.	(44) In view of enhancing the circularity of construction products, in line with the goals of the Circular Economy Action Plan ***and the waste hierarchy***, manufacturers should ***prevent waste generation by facilitating and prioritising repair, re-use and*** remanufacturing***. Manufacturers should increase resource efficiency through appropriate use of by-products and should, when products come to the end of their life, ensure*** recycling of their products. The (preparation for) re-use, remanufacturing and recycling require ***specific*** design ***choices***, namely facilitating the separation of ***products,*** components and materials ***at de-installation, deconstruction and demolition and*** at the later stage of recycling and avoiding mixed, blended or intricate materials ***and substances of concern***. As the usual instructions for use will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling, the necessary information in this regard should be made available in ***the Digital*** Product ***Passport*** and on the manufacturer's websites ***or by means of QR codes***, in addition to the instructions for use.

Amendment 36

Proposal for a regulation

Recital 45

Text proposed by the Commission	*Amendment*
(45) To deliver safe, functional and environmentally sustainable construction products, it is necessary to establish comprehensive sustainability and safety obligations for manufacturers. Given the importance of these obligations ***and achieving*** the right balance between the functionality, safety and sustainability, the Commission should be empowered to determine the conditions by delegated acts under which, for a specific product family or category, these obligations are fulfilled or presumed to be fulfilled.	(45) To deliver safe, functional and environmentally sustainable construction products, it is necessary to establish comprehensive sustainability and safety obligations for manufacturers. Given the importance of these obligations***, general requirements on the gradual improvement of environmental performance, the preferred use of environmentally friendly materials, recycled content obligations and the availability of information on the use, repair, remanufacturing or recycling of products should be applicable to all manufacturers. In order to specify these requirements for certain product families or categories as well as to set further requirements and to achieve*** the right balance between the functionality, safety and sustainability, the Commission should be empowered to determine the conditions by delegated acts under which, for a specific product family or category, these obligations are fulfilled or presumed to be fulfilled.

Amendment 37

Proposal for a regulation

Recital 47

Text proposed by the Commission	*Amendment*
(47) In order to be able to make informed choices, users of construction products should be sufficiently well informed about the environmental performances of products, about their conformity with environmental requirements and of the degree of fulfilment of manufacturer's environmental obligations in this regard. Therefore, the Commission is empowered to adopt delegated acts to establish specific labelling requirements ***which might include the easily understandable traffic light labelling.***	(47) In order to be able to make informed choices, users of construction products should be sufficiently well informed about the environmental performances of products, about their conformity with environmental requirements and of the degree of fulfilment of manufacturer's environmental obligations in this regard. Therefore, the Commission is empowered to adopt delegated acts to establish specific labelling requirements

Amendment 38

Proposal for a regulation

Recital 50

Text proposed by the Commission	*Amendment*
(50) An economic operator who modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same. ***However, this obligation should not be imposed on an economic operator who repackages products to make them available in another Member State, as otherwise secondary trade and thus free circulation of products would be hampered and repackaging in principle should not affect performance nor safety of the construction product. Still, and with the aim to preserve the performance and safety of products, the economic operator undertaking the repackaging should be responsible for the correct execution of these operations to ensure that the product is not damaged and that the users are still correctly informed in the language set out by the Member State where the products are made available.***	(50) An economic operator who ***stores or*** modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same.

Amendment 39

Proposal for a regulation

Recital 51

Text proposed by the Commission	*Amendment*
(51) In order to increase compliance of manufacturers with the obligations under this Regulation and to contribute to addressing the identified shortcomings and improve the market surveillance, service providers, online market places and brokers should be empowered and requested to verify ***certain easily verifiable characteristics of products and their*** manufacturers***, such as determination of product type and drawing up a comprehensive*** technical documentation, and should ***actively*** contribute to ensuring that only compliant products reach the users.	(51) In order to increase compliance of manufacturers with the obligations under this Regulation and to contribute to addressing the identified shortcomings and improve the market surveillance, ***fulfilment*** service providers, online market places***, sellers*** and brokers should be empowered and requested to verify ***at a documentary level that*** manufacturers ***have complied with their obligations as regards*** technical documentation, and should contribute to ensuring that only compliant products reach the users.

Amendment 40

Proposal for a regulation

Recital 52

Text proposed by the Commission	*Amendment*
(52) In order to avoid that ***3D-printing is used to circumvent*** the obligations under this Regulation, 3D-printing ***service providers*** should ***have certain information obligations***.	(52) In order to avoid that the obligations under this Regulation ***are circumvented in cases where the production technology***, ***for example*** 3D-printing***, could involve several different actors contributing to the design and manufacture of a construction product, it is necessary to clearly define the role of the manufacturer. The natural and legal person printing a construction product*** should ***take responsibility under this Regulation for the whole product, unless there is another person who places the product on the market under his name or trademark or who takes responsibility for the product by issuing a declaration of performance and conformity***.

Amendment 41

Proposal for a regulation

Recital 54

Text proposed by the Commission	*Amendment*
(54) The performance and safety of products also depend on the components used and on the services provided by calibrators or other service providers for their design and manufacturing. For these reasons, certain obligations should be established for suppliers of components and service providers involved in the manufacturing of products. Where a non-compliance or risk might have been caused by a supplied component or service of a certain economic operator, the supplier or service provider should inform thereof his other clients who have received the same component or service, so that non-compliances and risks can be effectively tackled for other products too.	***deleted***

Amendment 42

Proposal for a regulation

Recital 55

Text proposed by the Commission	*Amendment*
(55) Certain items used for construction have multiple potential purposes. Their manufacturers should have the freedom to decide whether these items are intended for construction or not, also in order to avoid that they have to undergo performance and conformity assessment where not necessary. However, if they decide that a certain item is not intended for construction whilst it could be used for it ***("pseudo product"),*** the manufacturers and other economic operators should ensure that it is not used in construction works. Otherwise some of the items would end up in construction whilst not fulfilling the requirements of this Regulation.	(55) Certain items used for construction have multiple potential purposes. Their manufacturers should have the freedom to decide whether these items are intended for construction or not, also in order to avoid that they have to undergo performance and conformity assessment where not necessary. However, if they decide that a certain item is not intended for construction whilst it could be used for it***, it should be marked as "not for construction" and*** the manufacturers and other economic operators should ensure that it is not used in construction works. Otherwise some of the items would end up in construction whilst not fulfilling the requirements of this Regulation.

Amendment 43

Proposal for a regulation

Recital 58

Text proposed by the Commission	*Amendment*
(58) Digital technologies, which provide a significant potential for reducing administrative burden and costs for economic operators and public authorities, while also fostering innovative and new business opportunities and models, are evolving at rapid pace. The uptake of digital technologies will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, life-cycle assessments and monitoring and of the building stock. ***Accordingly, the Commission should be empowered to seize further opportunities of digitisation by implementing acts.***	(58) Digital technologies, which provide a significant potential for reducing administrative burden and costs for economic operators and public authorities, while also fostering innovative and new business opportunities and models, are evolving at rapid pace. The uptake of digital technologies will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, life-cycle assessments and monitoring and of the building stock.

Amendment 44

Proposal for a regulation

Recital 59

Text proposed by the Commission	*Amendment*
(59) As harmonised standards developed for construction products (hereafter: construction products standards) are mostly mandatory, to create legal certainty, these standards should not only be in line with the relevant standardisation requests and with this Regulation, but also with the general principles of Union law.	***deleted***

Amendment 45

Proposal for a regulation

Recital 60

Text proposed by the Commission	*Amendment*
(60) In order to ensure a timely citation of references of construction products standards in the Official Journal of the European Union, the European Commission should be empowered to limit in scope or overrule deficient standards for purposes of legal effects under this Regulation by delegating acts instead of refusing to cite their references in the Official Journal.	***deleted***

Amendment 46

Proposal for a regulation

Recital 61 a (new)

Text proposed by the Commission	*Amendment*
	(61a) When setting up guidelines on the appropriate form and content of standards, the Commission should build on the important work already done in the EC Guidelines for hENs under the CPR as of 28/06/2018, which has been presented by the Commission in the framework of the Joint Initiative on Standardisation.

Amendment 47

Proposal for a regulation

Recital 65

Text proposed by the Commission	*Amendment*
(65) In order to respond to a noteworthy percentage of notifications which were based on incomplete or erroneous assessments, in particular where legal bodies without own in-house technical competence were notified, it is necessary to strengthen the resources capacity of notifying authorities, namely by setting up minimum requirements; to make requirements for notified bodies more precise, namely with regard to their independence, delegation to other legal entities and own ability to perform; to require adequate qualified staffing of notified bodies and to verify the adequacy of the staffing, ***for which the tool of a qualification matrix has proven to be most efficient;*** to ensure ***and verify*** that the notified body ***is effectively in control of staffing, attribution of external experts, procedures, criteria and decision making, and not a subcontractor, subsidiary or another company belonging to the same family of companies;*** and to enlarge the documentation to be provided by bodies when applying for designation as notified body so as to provide a deeper and comparatively fairer basis for decision to notifying authorities.	(65) In order to respond to a noteworthy percentage of notifications which were based on incomplete or erroneous assessments, in particular where legal bodies without own in-house technical competence were notified, it is necessary to strengthen the resources capacity of notifying authorities, namely by setting up minimum requirements; to make requirements for notified bodies more precise, namely with regard to their independence, delegation to other legal entities and own ability to perform; to require adequate qualified staffing of notified bodies and to verify the adequacy of the staffing, to ensure that the ***staffing of the*** notified body ***is sufficient and independent,*** and to enlarge the documentation to be provided by bodies when applying for designation as notified body so as to provide a deeper and comparatively fairer basis for decision to notifying authorities.

Amendment 48

Proposal for a regulation

Recital 68

Text proposed by the Commission	*Amendment*
(68) In order to avoid involvement between notified bodies' staff and the manufacturers, notified bodies ***should ensure*** rotation between the personnel carrying out different conformity assessment tasks.	(68) In order to avoid involvement between notified bodies' staff and the manufacturers, ***it should be possible for the*** notified bodies ***to allow*** rotation between the personnel carrying out different conformity assessment tasks.

Amendment 49

Proposal for a regulation

Recital 71

Text proposed by the Commission	*Amendment*
(71) In view of creating a level playing field for notified bodies and manufacturers, the coordination amongst notified bodies should be enhanced. As only half of the current notified bodies participate on their own initiative in the activities of the already currently existing notified body coordination group, ***participation thereto*** should ***thus become mandatory***.	(71) In view of creating a level playing field for notified bodies and manufacturers, the coordination amongst notified bodies should be enhanced. As only half of the current notified bodies participate on their own initiative in the activities of the already currently existing notified body coordination group, ***directly or by means of designated representatives,*** should ***be ensured by Member States***.

Amendment 50

Proposal for a regulation

Recital 72

Text proposed by the Commission	*Amendment*
(72) The attempts of establishing simplified procedures for ***small and medium-sized enterprises*** in Regulation (EU) No 305/2011 and thus reducing the burden and costs on ***SMEs and*** microenterprises have not been entirely effective and have often remained misunderstood or not used due to the lack of awareness or the lack of clarity regarding their application. By addressing the identified shortcomings while building on the previously established rules, it is necessary to clarify and facilitate their application and hence achieve the objective of supporting ***SMEs*** while ensuring performance, safety and environmental sustainability of construction products.	(72) The attempts of establishing simplified procedures for ***microenterprises*** in Regulation (EU) No 305/2011 and thus reducing the burden and costs on microenterprises have not been entirely effective and have often remained misunderstood or not used due to the lack of awareness or the lack of clarity regarding their application. By addressing the identified shortcomings while building on the previously established rules, it is necessary to clarify and facilitate their application and hence achieve the objective of supporting ***microenterprises*** while ensuring performance, safety and environmental sustainability of construction products.

Amendment 51

Proposal for a regulation

Recital 74

Text proposed by the Commission	*Amendment*
(74) To ensure legal certainty in case of safety or performance problems, such recognition should only be permitted where ***both the two involved*** economic operators ***and the two involved notified bodies commit*** to cooperate and ***where the economic operator obtaining certification is in technical command of the product***.	(74) To ensure legal certainty in case of safety or performance problems, such recognition should only be permitted where ***the assessed and verified*** economic operators ***agree*** to cooperate ***with the recognised notified body***, and ***share the data with it,***.

Amendment 52

Proposal for a regulation

Recital 75

Text proposed by the Commission	*Amendment*
(75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on ***possible non-compliances*** through a complaint portal.	(75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation ***and under relevant Union law*** in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on ***non-compliance*** through a complaint portal ***established and maintained by the Commission***.

Amendment 53

Proposal for a regulation

Recital 76

Text proposed by the Commission	*Amendment*
(76) To address the identified shortcomings with regards to the market surveillance under Regulation (EU) No. 305/2011, this Regulation should contain more empowerments for Member States authorities and for the Commission that should enable authorities to act under all potential problematic circumstances.	(76) To address the identified shortcomings with regards to the market surveillance under Regulation (EU) No. 305/2011, this Regulation should contain more ***justified*** empowerments for Member States authorities and for the Commission that should enable authorities to act under all potential problematic circumstances.

Amendment 54

Proposal for a regulation

Recital 78

Text proposed by the Commission	*Amendment*
(78) To ensure effective enforcement of the requirements and to strengthen market surveillance in Member States, as well as to ensure alignment with the Ecodesign for Sustainable Products Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down a minimum number of checks to be performed by the market surveillance authorities on specific product group or family or in relation to specific requirements and to establish minimum resources requirements.	***deleted***

Amendment 55

Proposal for a regulation

Recital 79

Text proposed by the Commission	*Amendment*
(79) In addition, to strengthen the on average weak capacities of market surveillance authorities in terms of market surveillance and to further align with the Ecodesign for Sustainable Products Regulation, it is necessary provide more detailed administrative coordination support and to provide them with the right to retrieve costs of inspections and testing from economic operators.	(79) In addition, to strengthen the on average weak capacities of market surveillance authorities in terms of market surveillance and to further align with the Ecodesign for Sustainable Products Regulation, it is necessary ***to*** provide more detailed administrative coordination support and to provide them with the right to retrieve costs of inspections and testing from economic operators ***if they are in possession of non-compliant products***.

Amendment 56

Proposal for a regulation

Recital 81

Text proposed by the Commission	*Amendment*
(81) To better serve economic operators, product contact points for construction should become more effective and therefore should obtain more resources. In order to facilitate the work of economic operators, the tasks of product contact points for construction should be fine-tuned and extended so as to include information on product related provisions of this Regulation and on acts adopted in accordance with it.	(81) To better serve economic operators, product contact points for construction should become more effective and therefore should obtain more resources. In order to facilitate the work of economic operators, the tasks of product contact points for construction should be fine-tuned and extended so as to include information on product related provisions of this Regulation and on acts adopted in accordance with it. ***Member States should also raise economic operators' awareness of the product contact points for construction within their territory.***

Amendment 57

Proposal for a regulation

Recital 84

Text proposed by the Commission	*Amendment*
(84) The ***centralised*** registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a ***centralised Union*** construction ***products database or system. At this point in time it is not possible to assess the advantages and disadvantages of possible solutions, the Commission should thus be empowered to pursue any of these paths, as appropriate.***	(84) The registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a ***construction digital product passport and a*** construction ***product passport registry***.

Amendment 58

Proposal for a regulation

Recital 87

Text proposed by the Commission	*Amendment*
(87) Business on construction products becomes slowly but steadily more and more international. Hence, situations arise where non-compliances of economic operators based outside the Union need to be countered as well. As third countries hardly are ready to support the enforcement of Union law on their territory where the Union does not in return provide for the possibility to assist them, some ***empowerments for*** international cooperation ***should be provided for in this Regulation***.	(87) Business on construction products becomes slowly but steadily more and more international. Hence, situations arise where non-compliances of economic operators based outside the Union need to be countered as well. As third countries hardly are ready to support the enforcement of Union law on their territory where the Union does not in return provide for the possibility to assist them, some ***provision should be made in this Regulation for the Commission to engage in*** international cooperation.

Amendment 59

Proposal for a regulation

Recital 88

Text proposed by the Commission	*Amendment*
(88) A certain number of third countries applies Union product legislation or at least recognises certificates issued in accordance with it, be it on the basis of international agreements or unilaterally, both being in the interest of the Union. In order to give these third countries an incentive to continue this practice and other third countries to do the same, certain additional possibilities should be provided to third countries applying Union product legislation or recognising certificates issued in accordance with it. For this reason, it should be possible to support these particularly cooperative third countries by allowing them to participate in certain trainings and to participate in the EU construction products database ***or system***, to the information system for harmonised decision-making and to the information exchange amongst authorities. Moreover, for the same reason, it should be possible to inform these particularly cooperative third countries about non-compliant or risky products.	(88) A certain number of third countries applies Union product legislation or at least recognises certificates issued in accordance with it, be it on the basis of international agreements or unilaterally, both being in the interest of the Union. In order to give these third countries an incentive to continue this practice and other third countries to do the same, certain additional possibilities should be provided to third countries applying Union product legislation or recognising certificates issued in accordance with it. For this reason, it should be possible, ***after consultation with Member States,*** to support these particularly cooperative third countries by allowing them to participate in certain trainings and to participate in the EU construction products database, to the information system for harmonised decision-making and to the information exchange amongst authorities. Moreover, for the same reason, it should be possible to inform these particularly cooperative third countries about non-compliant or risky products.

Amendment 60

Proposal for a regulation

Recital 90

Text proposed by the Commission	*Amendment*
(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts set out ***by implementing*** acts should be established ***according to*** objective, transparent and non-discriminatory criteria.	(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts ***that are specifically tendered as green public procurement contracts*** set out ***in delegated*** acts should be established ***by the Commission based on*** objective, transparent and non-discriminatory criteria***, taking into consideration the specific constraints of small local authorities and the needs of SMEs***.

Amendment 61

Proposal for a regulation

Recital 91

Text proposed by the Commission	*Amendment*
(91) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, contracting authorities and entities should, where appropriate, be ***required*** to align their procurement with specific green public procurement criteria ***or targets***, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or ***targets*** set by delegated acts for specific product groups***, should be complied with*** not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities	(91) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, contracting authorities and entities should, where appropriate, be ***encouraged*** to align their procurement with specific green public procurement criteria, to be set out in the delegated acts adopted pursuant to this Regulation. The ***sustainability criteria could take form of mandatory technical specifications or performance levels, or, as appropriate, selection criteria, award*** criteria or ***contract performance clauses, while allowing contracting authorities discretion to decide on***

Text proposed by the Commission	*Amendment*
constituting the subject matter of those contracts. ***Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised.*** The criteria should be transparent, objective and non-discriminatory.	***the entirety of the criteria needed for the public procurement. The sustainability criteria*** set by delegated acts for specific product groups ***could be used*** not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. The criteria should be transparent, objective and non-discriminatory.

Amendment 62

Proposal for a regulation

Recital 92

Text proposed by the Commission	*Amendment*
(92) In order to take into account technical progress and knowledge of new scientific evidence, ensure proper functioning of the internal market, facilitate access to the information and ensure homogeneous implementation of rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing ***and amending*** product specific technical provisions and requirements; ***defining*** the applicable assessment and verification systems; determining the conditions under which obligations under other Union law fulfil certain obligations of this Regulation; amending the declaration of performance and declaration of conformity model; ***establishing*** additional obligations to manufacturers; revising and supplementing procedural rules for the development of European assessment documents; establishing ***minimum requirements to market surveillance authorities; setting up a Union construction products database or system; establishing*** green public procurement requirements ***and defining minimum penalties***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([41]) . In particular, to	(92) In order to take into account technical progress and knowledge of new scientific evidence, ensure proper functioning of the internal market, facilitate access to the information and ensure homogeneous implementation of rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing product specific technical provisions and requirements; ***specifying*** the applicable assessment and verification systems ***set out in Annex V***; determining the conditions under which obligations under other Union law fulfil certain obligations of this Regulation; amending the declaration of performance and declaration of conformity model; ***specifying*** additional ***environmental*** obligations to manufacturers; revising and supplementing procedural rules for the development of European assessment documents; establishing green public procurement requirements***. This empowerment should be limited to what is required to fulfil Member States' needs identified and included in the working plan***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([41]) . In particular, to ensure equal participation in

Text proposed by the Commission	*Amendment*
ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ***When developing those acts, the Commission should aim at reducing the administrative burden for companies and take into account the needs of SMEs.***
([41]) OJ L 123, 12.5.2016, p. 1.	([41]) OJ L 123, 12.5.2016, p. 1.

Amendment 63

Proposal for a regulation

Recital 93

Text proposed by the Commission	*Amendment*
(93) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission establishing means to transmit information; ***providing details on how to execute obligations and rights of economic operators;*** adopting the format of the European technical assessment; ***establishing minimum resources required by notified bodies and giving access to authorities of third countries to the information systems for harmonised decision-making to the EU construction products database or system*** and to trainings in the context of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([42]) .	(93) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission establishing means to transmit information; adopting the format of the European technical assessment; and to trainings in the context of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([42]) .

Text proposed by the Commission	*Amendment*
([42]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	([42]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 64

Proposal for a regulation

Recital 98

Text proposed by the Commission	*Amendment*
(98) In order to ensure a high level of compliance with this Regulation, Member States should lay down rules on penalties applicable to non-compliances and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. ***In order to ensure these goals and harmonised penalties, the Commission should be empowered to establish minimum penalties by acts adopted in accordance with Article 290 of the Treaty on the Functioning of the European Union.***	(98) In order to ensure a high level of compliance with this Regulation, Member States should lay down rules on penalties applicable to non-compliances and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive.

Amendment 65

Proposal for a regulation

Recital 100

Text proposed by the Commission	*Amendment*
(100) To create legal certainty, it should be clarified for how long products placed on the market on the basis of European assessment documents adopted under Regulation (EU) No 305/2011 may remain in the distribution chain and thus be further made available on the market. Similarly to the practice under other product legislation, the appropriate period is considered to be five years after the expiry of the European technical assessment on the basis of which they have been placed on the market. In this way, six years after the entry into force of a harmonised technical specification adopted under this Regulation all products sold to users will comply with that harmonised technical specification and this Regulation.	***deleted***

Amendment 66

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
This Regulation establishes harmonised rules for the making available on the market ***and direct installation*** of construction products, regardless of whether undertaken in the framework of a service or not, by establishing:	This Regulation establishes harmonised rules for the ***placing and*** making available on the market of construction products, regardless of whether undertaken in the framework of a service or not, by establishing:

Amendment 67

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) rules on how to express the environmental, including ***climate,*** and safety performance of construction products in relation to their essential characteristics;	(a) ***harmonised*** rules on how to express the environmental, including ***life cycle assessment*** and safety performance of construction products in relation to their essential characteristics;

Amendment 68

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) environmental***, including climate***, functional and safety product requirements for construction products.	(b) environmental, functional and safety product requirements for construction products.

Amendment 69

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components or with ***products that could be regarded as construction*** products ***whilst not being intended by their manufacturer to be construction*** products.	This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components or with ***double use*** products***, including the de-installation and reuse of those*** products.

Amendment 70

Proposal for a regulation

Article 1 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	This Regulation contributes to the efficient functioning of the internal market by ensuring the free movement of safe and sustainable construction products in the Union and to the objectives of a green and digital transition by preventing and reducing the impact that construction products have on the environment and on the health and safety of people.

Amendment 71

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) ***3D-datasets placed on the market to permit the 3D-printing of construction products covered by this Regulation and*** 3D-printed construction products ***and moulds***;	(a) 3D-printed construction products;

Amendment 72

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) materials intended to be used for the 3D-printing of construction products on or close to the construction site or for the manufacturing using moulds on or close to the construction site;	***deleted***

Amendment 73

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) construction products manufactured on the construction site for immediate incorporation into construction works, without separate commercial action for the placing on the market;	***deleted***

Amendment 74

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) kits or assemblies, where their composition is specified in and covered by harmonised technical specifications or European assessment documents (EADs);	***deleted***

Amendment 75

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission	*Amendment*
(g) prefabricated one-family-houses of less than 180 m² surface floor space with one floor or of less than 100 m² surface floor space on two floors.	***deleted***

Amendment 76

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
Member States may decide not to apply this Regulation for the houses referred to in point (g) by notification to the Commission.	***deleted***

Amendment 77

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the economic operator has changed the intended use of those used construction products or items from the intended use assigned to those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or intended uses or to mere decoration" purposes***, those purposes being defined by the absence of any structural function for the construction works***;	(b) the economic operator has changed the intended use of those used construction products or items from the intended use assigned to those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or intended uses or to mere **"**decoration" purposes;

Amendment 78

Proposal for a regulation

Article 2 – paragraph 2 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) the economic operator is placing a used construction product on the market for the first time;

Amendment 79

Proposal for a regulation

Article 2 – paragraph 2 – point d b (new)

Text proposed by the Commission	*Amendment*
	(db) obligations of economic operators de-installing or dealing with used products for reuse are not fulfilled;

Amendment 80

Proposal for a regulation

Article 2 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
(b) boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human consumption;	(b) ***the hygiene-related quality of*** boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human consumption;

Amendment 81

Proposal for a regulation

Article 2 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) systems treating waste water;	***deleted***

Amendment 82

Proposal for a regulation

Article 2 – paragraph 3 – point d

Text proposed by the Commission	*Amendment*
(d) sanitary appliances;	***deleted***

Amendment 83

Proposal for a regulation

Article 2 – paragraph 3 – point e

Text proposed by the Commission	*Amendment*
(e) traffic signalling products.	***deleted***

Amendment 84

Proposal for a regulation

Article 2 – paragraph 3 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) lighting products subject to Directives 2014/35/EU, 2014/53/EU or 2001/95/EC;

Amendment 85

Proposal for a regulation

Article 2 – paragraph 3 – point e b (new)

Text proposed by the Commission	*Amendment*
	(eb) electrical and electronic products subject to Directives 2014/35/EU, 2014/30/EU, 2014/53/EU, RoHs Directive or the [XXX] Ecodesign for Sustainable Products Regulation.

Amendment 86

Proposal for a regulation

Article 2 – paragraph 4

Text proposed by the Commission	*Amendment*
4. This Regulation also shall also apply to 3D-printing services of construction products and of items covered by this Regulation. 3D-printing services include renting out of 3D-printing machines that could be used for construction products and items covered by this Regulation. ***This Regulation shall also apply to services linked to:*** ***— the manufacturing and commercialisation of construction products and or items covered by this Regulation, and*** ***— to the de-installing, preparation for re-use, remanufacturing and dealing with used construction products or items covered by this Regulation.***	***deleted***

Amendment 87

Proposal for a regulation

Article 2 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Member States may exempt from the application of this Regulation construction products ***and items*** covered by this Regulation that are placed on the market ***or directly installed*** in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products ***or items*** do not bear the CE marking in accordance with Article 16. Construction products ***or items*** placed on the market ***or directly installed*** on the basis of such exemption shall not be deemed to be placed on the market ***or directly installed*** in the Union in the meaning of this Regulation.	5. Member States may exempt from the application of this Regulation construction products covered by this Regulation that are placed on the market in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products do not bear the CE marking in accordance with Article 16. Construction products placed on the market on the basis of such exemption shall not be deemed to be placed on the market in the Union in the meaning of this Regulation.

Amendment 88

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission	*Amendment*
(1) 'construction product' means any ***formed or formless physical item, including its packaging and instructions for use,*** or a kit ***or assembly combining such items, that is*** placed on the market or ***produced*** for incorporation in a permanent manner in construction works or parts thereof within the Union, ***with the exception of items that are necessarily first integrated into an assembly, kit*** or other ***construction product prior to being incorporated in a permanent manner in construction works***;	(1) 'construction product' means any ***product*** or a kit ***which is produced and*** placed on the market or ***supplied to the construction site*** for incorporation in a permanent manner in construction works or parts thereof within the Union, ***including 3D-printed products*** or other ***items covered by this Regulation in accordance with Article 2(1) to (3)***;

Amendment 89

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) 'permanent' means ***for a duration of two years or longer***;	(2) 'permanent' means ***installed or affixed in such a manner that it may significantly affect the basic work requirements and that it is intended to remain in the construction work or parts thereof and cannot be removed without tools or mechanical force after the completion of the construction or renovation process***;

Amendment 90

Proposal for a regulation

Article 3 – paragraph 1 – point 3

Text proposed by the Commission	*Amendment*
(3) 'product' means a construction product or other item covered by this Regulation in accordance with Article 2(1) to (3);	***deleted***

Amendment 91

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission	*Amendment*
(5) 'direct installation' means the installation of a product into a construction work of a client without prior making available on the market or the installation of a one-family house covered by this Regulation, regardless whether in the framework of providing a service or not;	***deleted***

Amendment 92

Proposal for a regulation

Article 3 – paragraph 1 – point 7

Text proposed by the Commission	*Amendment*
(7) 'essential characteristics' means those characteristics of the product which relate to the basic requirements for construction works as set out in Annex I Part A ***Point 1*** or which have been listed in Annex I Part ***A Point 2***;	(7) 'essential characteristics' means those characteristics of the product which relate to the basic requirements for construction works as set out in Annex I Part A or ***the environmental characteristics*** which have been listed in Annex I Part ***B***;

Amendment 93

Proposal for a regulation

Article 3 – paragraph 1 – point 8

Text proposed by the Commission	*Amendment*
(8) 'product requirements' means a threshold level or another characteristic with which a product has to comply before it can be placed on the market ***or installed directly, including those requirements relating to labelling and instructions for use or other information to be provided***;	(8) 'product requirements' means a threshold level or another characteristic ***set out in Annex I Part C 1 and C 2, and specified in accordance with Article 5,*** with which a ***construction*** product has to comply before it can be placed on the market;

Amendment 94

Proposal for a regulation

Article 3 – paragraph 1 – point 9

Text proposed by the Commission	*Amendment*
(9) 'economic operator' means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider, the ***3D-printing service provider,*** manufacturer, importer or distributor of materials intended for 3D-printing of products, online seller, the broker, the supplier, the service provider, the own-brand-labeller or any other natural or legal person***, other than authorities, notified bodies, technical assessment bodies and product contact points for construction*** who is subject to this Regulation in relation to the manufacturing, de-installation for re-use, re-manufacturing ***or repackaging*** of products, or making those products available on the market ***or installing those products directly*** in accordance with this Regulation***, and economic operators as defined in Article 3, point (13) of Regulation (EU) 2019/1020 of the European Parliament and of the Council*** [44] ;	(9) 'economic operator' means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider, the manufacturer, importer or distributor of materials intended for 3D-printing of products, online seller, the broker, the supplier, the service provider, the own-brand-labeller or any other natural or legal person who is subject to this Regulation in relation to the manufacturing, de-installation for re-use, re-manufacturing of products, or making those products available on the market in accordance with this Regulation;

Text proposed by the Commission	Amendment
(44) Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	

Amendment 95

Proposal for a regulation

Article 3 – paragraph 1 – point 10

Text proposed by the Commission	Amendment
(10) '3D-printing service provider' means any natural or legal person offering, in the course of a commercial activity, one of the following services: renting or leasing out 3D-printers, printing out 3D-printing datasets, or brokering one of these services, regardless of whether the printing material is provided by that person or not;	***deleted***

Amendment 96

Proposal for a regulation

Article 3 – paragraph 1 – point 15

Text proposed by the Commission	*Amendment*
(15) 'buildings' means facilities, other than containers, giving shelter to humans, animals or objects, which either are permanently fixed to the ground or can only be transported by the help of special equipment whilst having a surface floor space of at least 20m² on one or several levels;	***deleted***

Amendment 97

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission	*Amendment*
(16) 'level' means the ***result of the assessment of the*** performance ***of a product in relation to its essential characteristics, expressed as a numerical value***;	(16) 'level' means the ***expression of performance without a classification of potential*** performance ***or a specified minimum or maximum***;

Amendment 98

Proposal for a regulation

Article 3 – paragraph 1 – point 17

Text proposed by the Commission	*Amendment*
(17) 'class' means ***a range of levels, delimited by a minimum and a maximum value,*** of performance ***of a product***;	(17) 'class' means ***an expression*** of performance ***within a systematic division of potential performances***;

Amendment 99

Proposal for a regulation

Article 3 – paragraph 1 – point 22

Text proposed by the Commission	*Amendment*
(22) 'assembly' means a set of at least two separate items, one of which is a product;	***deleted***

Amendment 100

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point a

Text proposed by the Commission	*Amendment*
(a) has not been subject to a process going beyond repair, cleaning or regular maintenance, as specified by the original manufacturer in its instructions for use or acknowledged to be necessary according to ***common civil*** engineering knowledge;	(a) has not been subject to a process going beyond repair, cleaning or regular maintenance, as specified by the original manufacturer in its instructions for use or acknowledged to be necessary according to ***the most up-to-date subject-specific*** engineering knowledge;

Amendment 101

Proposal for a regulation

Article 3 – paragraph 1 – point 25

Text proposed by the Commission	*Amendment*
(25) 'intended use' means the ***use*** intended by the manufacturer***, including the conditions for usage, as laid out in*** technical ***documentation, on labels, in instructions for use, or in publicity material, whilst usages mentioned only in one of these are already part of the 'intended use'***;	(25) 'intended use' means the intended ***use as determined*** by the manufacturer ***of the construction product as defined in the applicable harmonised*** technical ***specification***;

Amendment 102

Proposal for a regulation

Article 3 – paragraph 1 – point 26

Text proposed by the Commission	*Amendment*
(26) 'repair' means the process of ***returning*** a faulty product to a condition where it can fulfil its intended use;	(26) 'repair' means the process of ***fixing*** a faulty ***product or replacing its defective components, in order to return the*** product to a condition where it can fulfil its intended use;

Amendment 103

Proposal for a regulation

Article 3 – paragraph 1 – point 27

Text proposed by the Commission	*Amendment*
(27) 'maintenance' means an action carried out to retain a product in a condition where it is able to function as ***required***;	(27) 'maintenance' means an action carried out to retain a product in a condition where it is able to function as ***specified***;

Amendment 104

Proposal for a regulation

Article 3 – paragraph 1 – point 31

Text proposed by the Commission	*Amendment*
(31) 'product type' means the abstract model of individual products, ***determined*** by the ***intended use and a*** set of ***characteristics which exclude any variation with regard to performance or to the fulfilment of product requirements set-out in or in accordance with this Regulation, produced in a specific production process using a given combination of raw materials or components, whilst identical items of different manufacturers also belong to different product types;***	(31) 'product type' means the abstract model of individual products, ***defined*** by the ***same*** set of ***declared performances;***

Amendment 105

Proposal for a regulation

Article 3 – paragraph 1 – point 32

Text proposed by the Commission	*Amendment*
(32) 'state of the art' means a way to achieve a certain goal which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen;	(32) 'state of the art' means a way to achieve a certain goal which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen ***or a performance representing what is currently possible applying common technologies, whether or not it is the most technologically advanced solution***;

Amendment 106

Proposal for a regulation

Article 3 – paragraph 1 – point 38

Text proposed by the Commission	*Amendment*
(38) 'harmonised zone' means the sphere jointly covered by this Regulation, the harmonised technical specifications, and ***the*** Commission acts of general applicability adopted pursuant this Regulation;	(38) 'harmonised zone' means the sphere jointly covered by this Regulation, the harmonised technical specifications, and Commission acts of general applicability ***related to construction products*** adopted pursuant ***to*** this Regulation;

Amendment 107

Proposal for a regulation

Article 3 – paragraph 1 – point 39

Text proposed by the Commission	*Amendment*
(39) 'Union law' means the TEU, the TFEU, general principles of law, acts of general applicability referred to in the second, third and fourth paragraph of Article 288 TFEU and any international agreements to which the Union is party or the Union and its Member States are parties;	***deleted***

Amendment 108

Proposal for a regulation

Article 3 – paragraph 1 – point 42

Text proposed by the Commission	*Amendment*
(42) 'individually manufactured' means that, due to the specifications of the client, there is a ***variation in terms of manufacturing method when*** compared with all other products produced for other clients by the economic operator in question;	(42) 'individually manufactured' means that, due to the specifications of the client, there is a ***need for readjustment of the production equipment for the manufacture when*** compared with all other products produced for other clients by the economic operator in question;

Amendment 109

Proposal for a regulation

Article 3 – paragraph 1 – point 44

Text proposed by the Commission	*Amendment*
(44) 'custom-made' means that, due to the specifications of the client, there is a variation in terms of size or material when compared with all other products produced for other clients by the economic operator in question.	***deleted***

Amendment 110

Proposal for a regulation

Article 3 – paragraph 1 – point 45 a (new)

Text proposed by the Commission	*Amendment*
	(45a) 'data carrier' means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;

Amendment 111

Proposal for a regulation

Article 3 – paragraph 1 – point 46

Text proposed by the Commission	*Amendment*
(46) 'harmonised technical specifications' means construction products standards established in accordance with Article 4(2) ***the reference of which has been published in the Official Journal in accordance with Article 34 and thereby were rendered mandatory for purposes of application of this Regulation,*** and delegated acts adopted in accordance with Article 4(3) and (4), Article ***5(2)***, or Article 22(4) that contain technical prescriptions;	(46) 'harmonised technical specifications' means construction products standards established in accordance with Article 4(2) and delegated acts adopted in accordance with Article 4(3) and (4), Article ***5(1)***, or Article 22(4) that contain technical prescriptions;

Amendment 112

Proposal for a regulation

Article 3 – paragraph 1 – point 48

Text proposed by the Commission	*Amendment*
(48) 'double use product' means a product that is**,** by its manufacturer***, intended*** to be used as product ***and*** as an item with another ***intended*** use that would fall outside of the scope of this Regulation if it had only that other intended use;	(48) 'double use product' means a product that is ***intended*** by its manufacturer to be used as ***a*** product ***or*** as an item with another use that would fall outside of the scope of this Regulation if it had only that other intended use;

Amendment 113

Proposal for a regulation

Article 3 – paragraph 1 – point 51

Text proposed by the Commission	*Amendment*
(51) 'full-time equivalence' means the work-power of one person employed full-time as defined by the Member State concerned or the work-power of several persons employed part-time working together the same number of hours per day or week;	***deleted***

Amendment 114

Proposal for a regulation

Article 3 – paragraph 1 – point 57

Text proposed by the Commission	*Amendment*
(57) 'broker' means any natural or legal person providing an intermediation service for the placing on the market ***or direct installation*** of products;	(57) 'broker' means any natural or legal person providing an intermediation service for the placing on the market of products;

Amendment 115

Proposal for a regulation

Article 3 – paragraph 1 – point 69

Text proposed by the Commission	*Amendment*
(69) 'authority' means the European Commission, its agencies, and any notifying authority, designating authority or market surveillance authority, unless specified otherwise in the respective provision: regardless of in which Member State it is located;	***deleted***

Amendment 116

Proposal for a regulation

Article 3 – paragraph 1 – point 70

Text proposed by the Commission	*Amendment*
(70) 'product presenting a risk' means a product that, whenever during its entire life-cycle ***and even when created indirectly***, has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and under normal or reasonably foreseeable conditions of use;	(70) 'product presenting a risk' means a product that, whenever during its entire life-cycle, has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and under normal or reasonably foreseeable conditions of use;

Amendment 117

Proposal for a regulation

Article 3 – paragraph 1 – point 71 a (new)

Text proposed by the Commission	*Amendment*
	(71a) 'decorative purposes' means purposes defined by the absence of any structural function or basic requirements for the construction works as listed in Annex I;

Amendment 118

Proposal for a regulation

Article 3 – paragraph 1 – point 71 b (new)

Text proposed by the Commission	*Amendment*
	(71b) 'by-product' means a 'by-product' within the meaning of Article 5 of Directive 2008/98/EC;

Amendment 119

Proposal for a regulation

Article 3 – paragraph 1 – point 71 c (new)

Text proposed by the Commission	*Amendment*
	(71c) 'recyclability' means the ability of waste materials or products to be effectively and efficiently separated, collected, sorted and aggregated as defined waste streams in preparation for recycling, and then recycled through relevant industrial processes and reprocessed into recycled materials or products, whilst minimising quality or functionality losses compared to the original material or product.

Amendment 120

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The basic requirements for construction works, set out in Annex I Part A ***Point 1*** shall constitute the basis for the preparation of standardisation requests and harmonised technical specifications.	1. The basic requirements for construction works, set out in Annex I Part A shall constitute ***the basis for the identification of essential characteristics of construction products. The essential characteristics of construction products shall be identified by the Commission, taking into account the regulatory needs of the Member States and Union safety, environmental, circularity and climate objectives. The essential characteristics identified, together with the essential environmental characteristics listed in Annex I Part B, shall form*** the basis for the preparation of standardisation requests and harmonised technical specifications.

Amendment 121

Proposal for a regulation

Article 4 **– paragraph 2 – subparagraph 1**

Text proposed by the Commission	*Amendment*
The essential characteristics ***specified*** in accordance with paragraph 1 or listed in Annex I Part ***A Point 2*** and the methods for their assessment shall be laid down in standards which ***are rendered mandatory*** for purposes of application of this Regulation***. The essential characteristics of products shall be identified in view of the basic requirements for construction works, taking account of the regulatory needs of Member States***.	The essential characteristics ***identified*** in accordance with paragraph 1 or ***the essential environmental characteristics*** listed in Annex I Part ***B*** and the methods for their assessment shall be laid down in standards which**,** for ***the*** purposes of ***the*** application of this Regulation***, are rendered mandatory by means of delegated acts referred to in Article 6a(9)***.

Amendment 122

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
The Commission ***may*** issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and corner stones for the establishment of these essential characteristics and their assessment methods.	***For the purposes of the first subparagraph,*** the Commission ***shall*** issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and corner stones for the establishment of these essential characteristics and their assessment methods. ***These standardisation requests may include a request to determine the threshold levels and classes of performance in relation to these essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, the Commission shall determine the requirements to be met for the establishment of the threshold levels, classes of performance and mandatory characteristics in the standardisation request.***

Amendment 123

Proposal for a regulation

Article 4 **– paragraph 2 – subparagraph 2 a (new)**

Text proposed by the Commission	*Amendment*
	The standardisation requests concerning the determination of the threshold levels and classes of performance shall be accompanied by an impact assessment, in accordance with paragraph 13 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment 124

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 2 b (new)

Text proposed by the Commission	*Amendment*
	The Commission shall issue standardisation requests to lay down specific requirements as regards essential characteristics for used construction products. These standardisation requests shall be issued in line with the working plan established in accordance with Article 93a.

Amendment 125

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
The respective standardisation requests may also include a request that the European standardisation organisation determine in the standards referred to in the first subparagraph the voluntary or mandatory threshold levels and classes of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, the Commission shall lay down the basic principles and corner stones for the establishment of the threshold levels, classes and mandatory characteristics in the standardisation request.	***deleted***

Amendment 126

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 4

Text proposed by the Commission	*Amendment*
The Commission shall verify that the basic principles and corner stones, and the Union law are respected in the standards prior to publishing the reference thereof in the Official Journal in accordance with Article 34.	***deleted***

Amendment 127

Proposal for a regulation

Article 4 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. ***By way of derogation from paragraph 2 and in order to cover the regulatory needs of Member States and to pursue the goals of Article 114 of the Treaty on the Functioning of the European Union***, the Commission ***is empowered to supplement this Regulation by means of*** delegated acts in accordance with Article 87, by establishing, for particular product families and categories, voluntary or mandatory essential characteristics and their assessment methods ***in*** any of the following ***cases***:	3. ***While priority shall be given to the elaboration of standards***, the Commission ***is empowered to adopt*** delegated acts in accordance with Article 87, ***supplementing this Regulation*** by establishing, for particular product families and categories, voluntary or mandatory essential characteristics and their assessment methods ***where no harmonised standard covering the relevant essential characteristics has been delivered pursuant to a request made in accordance with the first subparagraph of paragraph 2 of this Article and no such standard is expected to be delivered within a reasonable time and, in addition,*** any of the following ***conditions is fulfilled***:

Amendment 128

Proposal for a regulation

Article 4 – paragraph 3 – point -a (new)

Text proposed by the Commission	*Amendment*
	(-a) the Commission has requested one or more European standardisation organisations to draft a harmonised standard for the requirements and the request has not been accepted by any of the European standardisation organisations;

Amendment 129

Proposal for a regulation

Article 4 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) there are undue delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2)by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within the ***time-frame*** set out in the standardisation request;	(a) there are undue ***and unjustified*** delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within the ***time frame*** set out in ***the request but not longer than 2 years after having received*** the standardisation request;

Amendment 130

Proposal for a regulation

Article 4 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
(b) there is an urgency for the adoption of more harmonised technical specifications that cannot be matched with standards referred to in the first subparagraph of Article 4(2) alone;	***deleted***

Amendment 131

Proposal for a regulation

Article 4 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) one or more essential characteristics referring to basic work requirements set out in Annex I Part A***, Point 1*** or included in Annex I Part ***A, Point 2*** are not covered by the standards referred to in the first subparagraph of Article 4(2) the references of which are already published in the Official Journal;	(c) one or more essential characteristics referring to basic work requirements set out in Annex I Part A or included in Annex I Part ***B*** are not covered by the standards referred to in the first subparagraph of Article 4(2) the references of which are already published in the Official Journal ***and the European standardisation organisations refused to revise or amend the relevant standard in due time***;

Amendment 132

Proposal for a regulation

Article 4 – paragraph 3 – point d

Text proposed by the Commission	*Amendment*
(d) the standards referred to in the first subparagraph of Article 4(2) are for other reasons considered not sufficient to cover regulatory needs of Member States or the needs of economic operators;	***deleted***

Amendment 133

Proposal for a regulation

Article 4 – paragraph 3 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) there is a need to revise or amend the standard referred to in the first subparagraph of Article 4(2) in order to cover the regulatory needs of Member States, or to align with the Union safety, environmental, circularity and climate objectives, and the European standardisation organisations refused or were unable to revise or amend the relevant standard in due time;

Amendment 134

Proposal for a regulation

Article 4 – paragraph 3 – point e

Text proposed by the Commission	*Amendment*
(e) the standards referred to in the first subparagraph of Article 4(2) are not in line with EU climate and environmental legislation and ambition;	***deleted***

Amendment 135

Proposal for a regulation

Article 4 – paragraph 3 – point f

Text proposed by the Commission	*Amendment*
(f) ***references to standards referred to in the first subparagraph of Article 4(2)*** cannot be published in the Official Journal ***for the reasons set out*** in Article ***34(4) or other legal reasons***;	(f) ***there is a need to adapt a standard or part of it which has been adopted by a European standardisation organisation but which*** cannot be published in the Official Journal in ***accordance with*** Article ***6a(8)***;

Amendment 136

Proposal for a regulation

Article 4 – paragraph 3 – point g

Text proposed by the Commission	*Amendment*
(g) references to standards referred to in the first subparagraph of Article 4(2) have been withdrawn from the Official Journal or were published with a restriction.	***deleted***

Amendment 137

Proposal for a regulation

Article 4 – paragraph 4 – introductory part

Text proposed by the Commission	*Amendment*
4. In order to cover the regulatory needs of Member States and to pursue the environmental, safety and harmonisation goals of Article 114 of the Treaty on the Functioning of the European Union***, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by determining, for particular*** product families and categories***, the following***:	4. ***While priority shall be given to the elaboration of standards, the Commission is empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation*** in order to cover the ***urgent*** regulatory needs of Member States and to pursue the environmental, safety ***objectives*** and harmonisation goals of Article 114 of the Treaty on the Functioning of the European Union***. In such case, the Commission may determine the following for specific*** product families and categories:

Amendment 138

Proposal for a regulation

Article 4 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Before preparing a delegated act, the Commission shall inform the committee referred to in Article 22 of Regulation (EU) No 1025/2012 that it considers the conditions set out in paragraph 3 and 4 to be fulfilled.

Amendment 139

Proposal for a regulation

Article 4 – paragraph 4 b (new)

Text proposed by the Commission	*Amendment*
	4b. When preparing the delegated act, the Commission shall consult the relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012.

Amendment 140

Proposal for a regulation

Article 4 – paragraph 4 c (new)

Text proposed by the Commission	*Amendment*
	4c. Where a harmonised standard is adopted by a European standardisation organisation and is rendered mandatory by means of a delegated act referred to in Article 6a(9), the Commission shall repeal the delegated acts referred to in paragraphs 3 or 4 of this Article, or those parts thereof that cover the same requirements.

Amendment 141

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Commission is empowered to ***amend Annex I Part A by means of*** delegated acts in accordance with Article 87 in order to adapt it to technical progress and to cover new risks and environmental aspects.	5. The Commission is empowered to ***adopt*** delegated acts in accordance with Article 87 ***amending Annex I, Part A*** in order to ***comply with the standardisation priorities established pursuant to Article 93a(2),*** to adapt it to ***reflect*** technical progress and to cover new risks and environmental aspects.

Amendment 142

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission	*Amendment*
	Article 4a ***Product information requirements*** ***All construction products covered by this Regulation shall, prior to their placing on the market, satisfy the product information requirements set out in Annex I Part C3.*** ***The product information requirements set out in Annex I Part C3 may be specified for the respective product family or category by means of delegated acts adopted by the Commission in accordance with Article 87 or by means of standards following a standardisation request made by the Commission pursuant to Article 4(2).*** ***The product information requirements laid down in Annex I Part C3 shall be provided for all construction products on the product packaging or attached in accordance with Article 21(5). For the construction products covered by harmonised technical specification information requirements shall be available via the digital product passport.***

Amendment 143

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission	*Amendment*
1. ***All products covered by*** this Regulation ***shall, prior to their placing on the market or direct installation, satisfy the generic, directly applicable*** product ***requirements set out in Annex I Part D and the*** product requirements laid down in Annex I Part ***B and C as specified for the respective product family or category in accordance with paragraph 2. The product requirements laid down in Annex I Part B and C are only applicable where they have been specified in accordance with paragraph 2.***	1. ***The Commission is empowered to adopt delegated acts in accordance with Article 87, supplementing this Regulation by specifying for the respective*** product ***family or category,*** product requirements laid down in Annex I Part ***C1 and C2***.

Amendment 144

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Prior to their placing on the market, construction products covered by this Regulation shall satisfy the product requirements specified in such delegated acts.

Amendment 145

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***In order to specify*** the product requirements set out in Annex I ***Part B, C and D***, the Commission ***is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying***, for particular product families and categories, these product requirements ***and by laying*** down the corresponding assessment methods. Once the Commission has specified ***these*** product requirements by delegated acts, it ***may*** issue standardisation requests which aim at the elaboration of ***voluntary*** harmonised standards providing presumption of conformity with these mandatory product requirements ***as specified by these delegated acts***.	2. ***When specifying*** the product requirements set out in Annex I ***Parts C1 and C2 in accordance with paragraph 1 of this Article***, the Commission ***may define***, for particular product families and categories, ***which of*** these product requirements ***shall apply to that product family or category and lay*** down the corresponding assessment methods. Once the Commission has specified ***those*** product requirements by delegated acts, it ***shall*** issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with these mandatory product requirements***. In the event there is no harmonised standard, the Commission shall establish clear guidelines for manufacturers on how to demonstrate conformity with product requirements***.

Amendment 146

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission is empowered to ***amend*** Annex I Part B, C and D ***by means of delegated acts in accordance with Article 87*** in order to adapt it to technical progress and ***in particular*** to cover new risks and environmental aspects.	3. The Commission is empowered to ***adopt delegated acts in accordance with Article 87*** amending Annex I Part B, C and D in order to ***comply with the standardisation priorities established pursuant to Article 93a(2), to adapt*** it to technical progress and ***to cover*** new risks and environmental aspects.

Amendment 147

Proposal for a regulation

Article 6 – title

Text proposed by the Commission	*Amendment*
Assessment and verification systems ***and their product specific modalities***	Assessment and verification systems

Amendment 148

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission	*Amendment*
1. In order to apply a tailor-made approach and to minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by determining for each product family or category the applicable assessment and verification ***system*** among those set out in Annex V. It may also determine different assessment and verification systems to the same product family or category when differentiating by essential characteristic or product requirement.	1. In order to apply a tailor-made approach and to minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by determining for each product family or category ***which of*** the applicable assessment and verification ***systems*** among those set out in Annex V ***are to be used***. It may also determine different assessment and verification systems to the same product family or category when differentiating by essential characteristic or product requirement.

Amendment 149

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Assessment and verification systems shall be determined together with harmonised technical specifications depending on the intended use and on the basis of clear, comprehensible and transparent criteria. The potential damage resulting from product deficiencies, the change in performance in the event of slightly deviating production conditions, the susceptibility to errors in the manufacturing process and the question of how easily manufacturing errors can be recognised shall be taken into account.

Amendment 150

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In order to facilitate and to harmonise the application of the requirements or obligations contained in Annex V, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying these requirements and obligations for a given product family or category	2. In order to facilitate and to harmonise the application of the requirements or obligations contained in Annex V, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying these ***assessment and verification*** requirements and obligations for a given product family or category.

Amendment 151

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In order to counter systematic non-compliances of notified bodies or manufacturers or in view of adaptation to technical progress, the Commission is empowered to amend this Regulation, by means of delegated acts in accordance with Article 87, by introducing additional assessment or verification steps in the systems of Annex V.	***deleted***

Amendment 152

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission	*Amendment*
	Article 6a
	Construction products standards
	1. Construction products standards shall be established by the European standardisation organisations on the basis of a standardisation request issued by the Commission.
	2. The Commission shall adopt implementing acts laying down a clear and stable set of rules for the whole standardisation process including roles, responsibilities, competences and the general procedural deadlines for all stakeholders involved as well as templates to be used.
	Those implementing acts shal be adopted no later than [1 year after entry into force of this Regulation].
	Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).

Text proposed by the Commission	*Amendment*
	3. At the request of a European standardisation organisation, the Commission may provide an administrative support in setting up an internal legal division within the European standardisation organisation tasked with the legal proofreading of standards and ensuring the coherence and legal flawlessness of standards.
	4. Construction products standards laid down in the implementing acts referred to in Article 4(2) shall be of mandatory application for the purposes of this Regulation from 12 months after the publication of the delegated acts adopted pursuant to paragraph 9 of this Article. They may be voluntarily applied on request of the manufacturer from the date of that publication. They shall provide the methods and the criteria for assessing the performance of the products in relation to their essential characteristics. Those standards shall, where appropriate and without endangering the accuracy, reliability or stability of the results, provide methods that are less onerous than testing for assessing the performance of the products in relation to their essential characteristics, classes, threshold levels or product requirements.
	5. Construction products standards developed pursuant to the second sentence of Article 5(2) or the third sentence of Article 22(4) shall be voluntary. Products which are in conformity with voluntary standards adopted in accordance with Article 5(2), or parts thereof, the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements laid down in Annex I Parts C1 and C2, as specified for the respective product family or category by harmonised technical specifications adopted in accordance with the second sentence of Article 5(2), to the extent that those requirements are covered by such voluntary standards and that such coverage has been precisely stated in the respective harmonised standard. Manufacturers who comply with voluntary standards adopted in accordance with Article 22(2), or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the obligations set out in Article 22(2), to the extent that those obligations are covered by such standards and that such coverage has been precisely stated in the respective standard.
	6. The Commission shall, without fail, assess the conformity of construction products standards established by the European standardisation organisations with the relevant standardisation requests, with this Regulation and with other Union acts.

Text proposed by the Commission	*Amendment*
	The Commission shall carry out the assessment referred to in the first subparagraph of this paragraph within 6 months after the standard has been transmitted to it. In order for the Commission to fulfil this obligation within that timeframe, the European standardisation organisations shall regularly inform the Commission of the progress and content of the standardisation deliverable in accordance with Article 10(5) of Regulation (EU) No 1025/2012.
	7. The Commission shall, where possible, participate in the informal and formal inquiries of European standardisation organisations developing the requested European standardisation deliverables, in particular on matters concerning the conformity of the standardisation deliverables with this Regulation and with other Union acts.
	8. Where the Commission perceives a standard or its part to be unsatisfactory and consequently decides to not have recourse to it in a delegated act adopted pursuant to paragraph 9 of this Article, it shall present its reasons in writing, laying out which corrections are necessary, to the European standardisation organisation within 6 months after the draft for a standard has been transmitted. In such a case, the Commission may mandate the European standardisation organisation to correct the standard or in accordance with article 4(3) letter f the Commission is empowered to supplement this Regulation by delegated acts by modifying the respective standards or its part .
	9. Where it considers that a standard delivered pursuant to a request made in accordance with the first subparagraph of Article 4(2) fully meets the requirements of such standardisation request, the Commission shall adopt a delegated act in accordance with Article 87 to supplement this Regulation by having recourse to that standard.
	10. The Commission shall, within 90 days following a positive assessment, publish or publish with restrictions in the Official Journal of the European Union the list of references of accepted voluntary conforming construction products standards that have been made available at an affordable price.

Amendment 153

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The harmonised zone shall be presumed to be comprehensive, covering all ***potential*** requirements for products ***other than those covered by other Union law***.	1. The harmonised zone shall be presumed to be comprehensive, covering all ***existing and future legal*** requirements for ***construction*** products.

Amendment 154

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
This paragraph shall also apply to public tenders or direct attributions of contracts where those public tenders or direct attributions are executed under direct or indirect control of public entities or are executed with reference to public provisions on public tenders or direct attribution of contracts. This paragraph shall also apply to grants or other positive incentives with the exception of fiscal incentives. However, harmonised technical specifications may permit or recommend Member States to link the decisions on the attribution of public tenders, of contracts or of grants or other positive incentives to sub-classes or additional classes other than those established in accordance with Article 4(4) where these still relate to environmental performances assessed in accordance with these harmonised technical specifications.	***deleted***

Amendment 155

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall communicate to the other Member States and to the Commission the essential characteristics they require for each product family or category, the respective product requirements and the assessment methods they apply. ***They*** shall ***refer to these essential characteristics, requirements and assessment methods proactively in all fora and on all occasions relevant for the elaboration of harmonised technical specifications. Fora elaborating harmonised technical specifications shall take note of these essential characteristics, requirements and assessment methods. The essential characteristics shall be covered by harmonised technical specifications to the extent possible.***	3. Member States shall communicate to the other Member States and to the Commission the essential characteristics they require for each product family or category, the respective product requirements and the assessment methods they apply. ***In order to facilitate this communication, Member States*** shall ***register in the Single Digital Gateway all their national regulatory and administrative measures directly or indirectly influencing the usability of construction products on their territory***.

Amendment 156

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where a Member State deems it necessary, on imperative grounds of health, safety or protection of the environment, including climate, to establish requirements by regulation or to take administrative measures in derogation of paragraph 2, it shall notify the Commission thereof, justifying the need for the procedural obligations established and explain the regulatory need it aims to address and provide evidence both for the existence of the regulatory need and the lack of coverage by the harmonised zone and other Union law. Member States shall to that end use the notification procedure under Directive (EU) 2015/1535, where applicable.	4. Where a Member State deems it necessary***, including in urgency situations***, on imperative grounds of health, safety or ***the protection of persons as well as the*** protection of the environment, including climate, to establish requirements by regulation***,*** or to take administrative measures in derogation of paragraph 2, it shall notify the Commission thereof, justifying the need for the procedural obligations established and explain the regulatory need it aims to address and provide evidence both for the existence of the regulatory need and the lack of coverage by the harmonised zone and other Union law. Member States shall to that end use the notification procedure under Directive (EU) 2015/1535, where applicable.

Amendment 157

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The Commission shall***, by means of implementing acts***, ***authorise*** the national measure notified under paragraph 4 where:	The Commission shall adopt ***delegated acts in accordance with Article 87 supplementing this Regulation to***, ***by authorising*** the national measure notified under paragraph 4 ***of this Article*** where:

Amendment 158

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) it ascertains that the regulation or administrative measure ***appears*** duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4;	(a) it ascertains that the regulation or administrative measure ***is*** duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4;

Amendment 159

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 2

Text proposed by the Commission	*Amendment*
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).	***deleted***

Amendment 160

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 3

Text proposed by the Commission	*Amendment*
On duly justified imperative grounds of urgency relating to human health and safety or the protection of the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 88(3).	***deleted***

Amendment 161

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Member States shall register all their national regulation, and administrative measures directly or indirectly influencing the usability of products on their territory, into the Single Digital Gateway.	***deleted***

Amendment 162

Proposal for a regulation

Article 7 – paragraph 7 – introductory part

Text proposed by the Commission	*Amendment*
7. This Regulation does not hinder Member States to introduce mandatory deposit-refund systems, to oblige manufacturers to take back used or not used products directly or via their importers and distributors and to establish obligations regarding the collection and the treatment of products for waste, provided that all of the following is complied with:	7. This Regulation does not hinder Member States to introduce mandatory deposit-refund systems, to oblige manufacturers to take back used or not used ***non-custom-made*** products directly or via their importers and distributors and to establish obligations regarding the collection and the treatment of products for waste, provided that all of the following is complied with:

Amendment 163

Proposal for a regulation

Article 7 – paragraph 8

Text proposed by the Commission	*Amendment*
8. Member States may ban the destruction of products taken back in accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making available on a national brokering platform for non-commercial use of products.	8. Member States may ban the destruction of ***surplus and unsold products and*** products taken back in accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making available on a national brokering platform for non-commercial use of products.

Amendment 164

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission	*Amendment*
To avoid double assessment of products, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 87 by determining the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation***, where otherwise the same aspect of health, safety or protection of the environment would be assessed in parallel under this Regulation and other Union law***.	To avoid double assessment of ***the same aspects of*** products ***which are related to health, safety or protection of the environment***, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 87 by determining the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation.

Amendment 165

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Where conflicts arise between this Regulation and Regulation (EU) 2019/1020, Regulation (EU) 1025/2012, Regulation 765/2008/EC, Directive 2001/95/EC, Directive (EU) 2019/1937, and [XXX] (Ecodesign for Sustainable Products Regulation), this Regulation shall prevail.

Amendment 166

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Where a product is covered by a harmonised technical specification adopted in accordance with Article 4(2) ***or (3),*** the manufacturer shall undergo the applicable assessment and verification system set out in Annex V and draw up a declaration of performance before such a product is placed on the market. A manufacturer of a product which is not covered by any harmonised technical specification may issue a declaration of performance in accordance with the relevant European assessment document and European technical assessment.	1. Where a ***construction*** product is covered by a harmonised technical specification adopted in accordance with Article 4(2)***, (3) or (4)*** the manufacturer shall undergo the applicable assessment and verification system set out in Annex V and draw up a declaration of performance before such a product is placed on the market. A manufacturer of a product which is not covered by any harmonised technical specification may issue a declaration of performance in accordance with the relevant European assessment document and European technical assessment.

Amendment 167

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission	*Amendment*
3. By drawing up the declaration of performance, the manufacturer assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with Union and national laws on contractual and extra-contractual liability***, and this even where it did not act negligently***. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance drawn up by the manufacturer to be accurate and reliable.	3. By drawing up the declaration of performance, the manufacturer assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with Union and national laws on contractual and extra-contractual liability. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance drawn up by the manufacturer to be accurate and reliable.

Amendment 168

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the product is***, otherwise than by 3D-printing or already existing moulds,*** individually manufactured or custom-made in a non-series process in response to a specific order***, and installed in a single identified construction work***, by a manufacturer who is also responsible for the safe incorporation of the product into the construction work in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules;	(a) the product is individually manufactured or custom-made in a non-series process in response to a specific order, by a manufacturer who is also responsible for the safe incorporation of the product into the construction work in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules;

Amendment 169

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the product is otherwise than by 3D-printing or already existing moulds manufactured on the construction site, in a non-series process for its incorporation in the respective construction work in compliance with the applicable national rules and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules; or	***deleted***

Amendment 170

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission	*Amendment*
3. A Member State may exempt from Article 9(1) parts of construction works other than products that are prepared for re-use or remanufactured provided that the part does not to circulate outside the territory of that Member State.	***deleted***

Amendment 171

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The declaration of performance shall be drawn up using the model set out in Annex II without ***the section relating to conformity. The declaration of performance shall at least cover the performance with regard to the mandatory essential characteristics listed in Annex I Part A Point 2, the essential characteristics mandatory by virtue of harmonised technical specifications or delegated acts adopted in accordance with Article 4(3), and the assessment of environmental sustainability referred to in Article 22(1)***.	2. The declaration of performance shall be drawn up using the model set out in Annex II without ***points 12 and 13c thereof***.

Amendment 172

Proposal for a regulation

Article 11 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***The information*** referred to in Article 31 ***or, as the case may be, in Article 33*** of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([45]) shall be provided together with the declaration of performance.	4. ***Safety data sheets*** referred to in Article 31 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([45]) shall be provided together with the declaration of performance ***where the construction product is supplied to an industrial or professional user***. ***The information referred to in Article 33 of Regulation (EC) No 1907/2006 shall be provided to consumers together with the declaration of performance.***
([45]) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).	([45]) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).

Amendment 173

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where there is no declaration of performance available for a used product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without undergoing a full procedure in accordance with this Regulation where it limits the intended use to ***"decoration"***. Where the economic operator has used this derogation, the declaration of performance shall be labelled "declaration of performance for used product".	2. Where there is no declaration of performance available for a used product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without undergoing a full procedure in accordance with this Regulation where it limits the intended use to ***decorative purposes***. Where the economic operator has used this derogation, the declaration of performance shall be labelled "declaration of performance for used product ***for decorative purposes***".

Amendment 174

Proposal for a regulation

Article 12 – paragraph 3 – subparagraph 2

Text proposed by the Commission	*Amendment*
Member States shall set-up requirements for de-installers and the certification to be provided in accordance with ***the last sentence***, including on the definition of stresses that render the product unsuitable.	Member States shall set-up requirements for de-installers and the certification to be provided in accordance with ***this paragraph***, including on the definition of stresses that render the product unsuitable.

Amendment 175

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the transformative process***, whilst going beyond repair, cleaning or regular maintenance or preparing for re-use as defined in Article 3, point (16), of Directive 2008/98/EC after being de-installed,*** does not jeopardise ***the compliance with this Regulation or*** the performance of the product in relation to the relevant characteristics ***because, by their design, the transformative process cannot negatively influence the performance and the compliance or because the used replacement part has been assessed as equivalently performing and compliant***. Where the economic operator has used this derogation, the declaration of performance shall be labelled "declaration of performance for re-manufactured product".	4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the transformative process does not jeopardise the performance of the product in relation to the relevant characteristics. Where the economic operator has used this derogation, the declaration of performance shall be labelled "declaration of performance for re-manufactured product".

Amendment 176

Proposal for a regulation

Article 12 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Paragraphs 1 to 4 shall apply to all of the following:	Paragraphs 1 to 4 shall ***also*** apply to all of the following:

Amendment 177

Proposal for a regulation

Article 12 – paragraph 6 – subparagraph 2

Text proposed by the Commission	*Amendment*
Article 21(2) shall not apply to products falling under the derogations of paragraphs 1 to 5. However, the economic operators shall provide the information set out in Annex I Part ***D***.	Article 21(2) shall not apply to products falling under the derogations of paragraphs 1 to 5. However, the economic operators shall provide the information set out in Annex I Part ***C3***.

Amendment 178

Proposal for a regulation

Article 12 – paragraph 9

Text proposed by the Commission	*Amendment*
9. This article shall not apply to used, remanufactured or surplus products which have never been placed on the Union market ***or which have never been installed in the Union***.	9. This article shall not apply to used, remanufactured or surplus products which have never been placed on the Union market.

Amendment 179

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) verify the product's compliance with the product requirements of Annex I ***Part B and C*** to the extent that they have been specified by delegated acts in accordance with Article ***5(2)***, and with the product requirements of Annex I Part ***D***;	(a) verify the product's compliance with the product requirements of Annex I***, Parts C1 and C2*** to the extent that they have been specified by delegated acts in accordance with Article ***5(1)***, and with the product ***information*** requirements of Annex I***,*** Part ***C3***;

Amendment 180

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission	*Amendment*
3. By the declaration of conformity, the manufacturer assumes responsibility for the conformity of the product with the product requirements and becomes liable in accordance with national laws on contractual and extra-contractual liability***, and this even where it did not act negligently. In case of non-compliance or absence of a declaration of conformity, the product may not be made available on the market***. In the absence of objective indications to the contrary, Member States shall presume the declaration of conformity drawn up by the manufacturer to be accurate and reliable.	3. By the declaration of conformity, the manufacturer assumes responsibility for the conformity of the product with the product requirements and becomes liable in accordance with national laws on contractual and extra-contractual liability. In the absence of objective indications to the contrary, Member States shall presume the declaration of conformity drawn up by the manufacturer to be accurate and reliable.

Amendment 181

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The declaration of conformity shall express conformity of a product with product requirements referred to in Article ***5(1) and (2)***.	1. The declaration of conformity shall express conformity of a product with product requirements referred to in Article ***5 and product information requirements referred to in Article 4a***.

Amendment 182

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***Article 11(2) to (4) and*** Article 12 shall apply with regard to the declaration of conformity.	3. Article 12 shall apply with regard to the declaration of conformity.

Amendment 183

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The manufacturer shall fulfil the obligations of this Article as from ***the first revision of the declaration of performance undertaken by the manufacturer*** after the date of application of harmonised technical specification***, for the respective product family or category, but at the latest 3 years after that date***.	4. The manufacturer shall fulfil the obligations of this Article as from ***18 months*** after the date of application of ***the relevant*** harmonised technical specification.

Amendment 184

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where the declaration ***is*** provided by electronic means***,*** the manufacturer ***shall issue that declaration in a commonly readable***, but unamendable electronic format. ***Alternatively***, the manufacturer may use a permalink provided that the permalink and the document accessible via the permalink are unamendable. Commission Delegated Regulation (EU) No 157/2014 ([46]) shall apply under this Regulation.	The declaration provided by electronic means ***shall be issued by*** the manufacturer ***in a machine-readable***, but unamendable electronic format.
	The Commission shall issue standardisation requests which aim at the elaboration of standard formats for machine-readable declarations for each harmonised technical specification.
	The Commission shall ensure that these standard formats are developed according to a uniform concept. As part of the commonly readable electronic format, the manufacturer may use a permalink ***or a data carrier*** provided that the permalink ***or data carrier*** and the document accessible via the permalink ***or data carrier*** are unamendable. Commission Delegated Regulation (EU) No 157/2014 ([46]) shall apply under this Regulation.
([46]) Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.	([46]) Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.

Amendment 185

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Declarations may contain permalinks to unamendable environmental product declarations or other unamendable documents containing the requested information if those documents follow the order and structure of the declarations or if a correlation table linking the order of the declarations to the order of these documents is provided together with the permalink.	***deleted***

Amendment 186

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The CE marking shall be affixed to those products for which the manufacturer has drawn up a declaration of performance or conformity in accordance with Articles 9 and 11 to 14. The CE marking shall be affixed to key parts. ***The CE marking may not be affixed to parts which are not key parts.***	2. The CE marking shall be affixed to those products for which the manufacturer has drawn up a declaration of performance or***, where applicable, a declaration of performance and*** conformity in accordance with Articles 9 and 11 to 14. The CE marking shall be affixed to key parts.

Amendment 187

Proposal for a regulation

Article 16 – paragraph 5 – subparagraph 2

Text proposed by the Commission	*Amendment*
Member States shall not introduce any references or shall withdraw any references in national measures to a marking attesting conformity with requirements or ***the declared performance in relation to the*** essential characteristics ***covered by the harmonised zone***.	Member States shall not introduce any references or shall withdraw any references in national measures to a marking attesting conformity with requirements or essential characteristics ***unless a basis for such reference was laid down in accordance with Article 7(5)***.

Amendment 188

Proposal for a regulation

Article 16 – paragraph 6 – subparagraph 1

Text proposed by the Commission	*Amendment*
A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State.	A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State. ***Only those requirements covered by the harmonised zone shall be considered by that Member State.***

Amendment 189

Proposal for a regulation

Article 16 – paragraph 6 – subparagraph 2

Text proposed by the Commission	*Amendment*
A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the product conforms with product requirements set-up in or by means of this Regulation, unless it is specified in the respective harmonised technical specification that the respective requirements constitute only minimum requirements.	A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when ***the declared performances correspond to the requirements in that Member State or*** the product conforms with product requirements set-up in or by means of this Regulation, unless it is specified in the respective harmonised technical specification that the respective requirements constitute only minimum requirements.

Amendment 190

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) the unique identification code of the product-type, the permalink to the manufacturer's products registration(s) in Union databases ***and the precise location therein where the product can be found***;	(d) the unique identification code of the product-type, the permalink ***or data carrier*** to the manufacturer's products registration(s) in Union databases ***or to the manufacturer's website***;

Amendment 191

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) the permalink to the manufacturer's own product presentation website, if any there is any;	***deleted***

Amendment 192

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point g

Text proposed by the Commission	*Amendment*
(g) the identification number of the notified body, if applicable.	***deleted***

Amendment 193

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
The items listed in points d) to f) may be replaced by a permalink to the combined declaration of performance and of conformity (electronic CE marking).	The items listed in points d) to f) may be replaced by a permalink ***or data carrier*** to the combined declaration of performance and of conformity (electronic CE marking).

Amendment 194

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The CE marking shall be affixed before the product is placed on the market ***or directly installed into a construction work***. It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.	3. The CE marking shall be affixed before the product is placed on the market. It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.

Amendment 195

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission	*Amendment*
Markings other than the CE marking, including private ones, may be affixed on a product only if they do not ***cover or refer to harmonised technical specifications or to*** product requirements ***or essential characteristics or assessment methods included in the harmonised zone***.	Markings other than the CE marking, including private ones, may be affixed on a product only if they do not ***only signify conformity of the product with the declared performance or with the*** product requirements ***set out in this Regulation and if those requirements are not mandatory for the marketing or use of a product. Those restrictions do not apply to the EU Ecolabel and other officially recognised type I-ecolabels (ISO 14024)***.

Amendment 196

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission	*Amendment*
No other ***marking*** than ***marking*** set out by Union legislation may be affixed on a product ***in a distance smaller than the double length*** of the CE marking ***measured from any point of the CE and the other marking set out by Union law***.	***Markings*** other than ***markings*** set out by Union legislation may be affixed on a product***, provided that those markings do not impair the visibility, legibility and meaning*** of the CE marking.

Amendment 197

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission	*Amendment*
1. An economic operator shall take all necessary measures to ensure continued compliance***, including of products,*** with this Regulation. Where non-compliance of the economic operator or of a product has been stated and corrective action has been requested by a market surveillance authority in accordance with Article 70(1), the economic operator shall submit progress reports to that authority until that authority decides that the corrective action can be closed.	1. An economic operator shall take all necessary measures to ensure continued compliance with this Regulation. Where non-compliance of the economic operator or of a product has been stated and corrective action has been requested by a market surveillance authority in accordance with Article 70(1), the economic operator shall submit progress reports to that authority until that authority decides that the corrective action can be closed.

Amendment 198

Proposal for a regulation

Article 19 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where diverging statements of non-compliance of an economic operator or of a product and requests for corrective action emanate from authorities of different Member States, an economic operator shall take differentiated measures, subject to where the products are intended to be made available on the market or directly installed. Where this is not possible or where a more severe measure imposed by one Member State encompasses the less severe measure imposed by another, the more severe measure shall be taken. Where these rules do not lead to a clear result, the Member States concerned and the Commission, and, on their request, other Member States shall try to find a common solution and, if need is, adopt an implementing act in accordance with Article 33.	***deleted***

Amendment 199

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
An economic operator shall, on request of ***an*** authority, communicate any economic operator or other actor to that authority:	An economic operator shall, on request of ***the competent*** authority, communicate any economic operator or other actor to that authority:

Amendment 200

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) who is involved in financial and other collateral services linked to the making available or direct installation of products.	***deleted***

Amendment 201

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission	*Amendment*
When identifying the operators referred to in first subparagraph, an economic operator shall inform the authority about ***to all connected data, including***:	When identifying the operators referred to in first subparagraph, an economic operator shall inform the authority about ***the following***:

Amendment 202

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point i

Text proposed by the Commission	*Amendment*
(i) addresses of the operators referred to in the first subparagraph;	***deleted***

Amendment 203

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point ii

Text proposed by the Commission	*Amendment*
(ii) contact details ***of these*** operators;	(ii) contact details***, including addresses, email addresses and websites of the*** operators ***referred to in the first subparagraph***;

Amendment 204

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point iii

Text proposed by the Commission	*Amendment*
(iii) email addresses, websites and social media profiles of these operators;	***deleted***

Amendment 205

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point v

Text proposed by the Commission	*Amendment*
(v) bank accounts of these operators; and	***deleted***

Amendment 206

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point vi

Text proposed by the Commission	*Amendment*
(vi) names, addresses, contact details of natural or legal persons acting for those operators.	(vi) names, addresses, contact details of natural or legal persons acting for those operators***, if relevant, and, in any event, in compliance with [GDPR]***.

Amendment 207

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission	*Amendment*
4. An economic operator shall be able to present all documentation ***and*** information referred to in this Chapter to authorities for a period of ten years after they have last been in possession or dealing with the product in question***, unless they are permanently available via the product registration database or system established in accordance with Article 78***. It shall present the documentation and information within 10 days of receipt of a request by the respective authority.	4. An economic operator shall be able to present all documentation***, including the declaration of performance and the declaration of conformity, through the digital construction products passport, as well as*** information referred to in this Chapter to authorities for a period of ten years after they have last been in possession or dealing with the product in question. It shall present the documentation and information within 10 days of receipt of a request by the respective authority.

Amendment 208

Proposal for a regulation

Article 19 – paragraph 5 – subparagraph 1

Text proposed by the Commission	*Amendment*
An economic operator shall provide all the requested data into the database or system established in accordance with Article 78 within two months after the availability of that database or system has been stated in a publication of the Official Journal and bear the fees of registration linked thereto. It shall at least bi-annually verify the correctness of the provided data.	***deleted***

Amendment 209

Proposal for a regulation

Article 19 – paragraph 6

Text proposed by the Commission	*Amendment*
6. An economic operator ***may*** inform authorities of any likely infringement of this Regulation it becomes aware of. Where this economic operator considers that non-conforming products present a risk to human safety or to the environment, it shall immediately inform the competent authorities of the Member States in which it made the product available thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.	6. An economic operator ***shall*** inform authorities of any likely infringement of this Regulation it becomes aware of. Where this economic operator considers that non-conforming products present a risk to human safety or to the environment, it shall immediately inform the competent authorities of the Member States in which it made the product available thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment 210

Proposal for a regulation

Article 20

Text proposed by the Commission	*Amendment*
Article 20	***deleted***
Procedural rights of economic operators	
1. Any definitive or interim measure, decision or order taken or made by authorities pursuant to this Regulation against an economic operator and the natural or legal persons acting on their behalf shall state the exact grounds on which it is based.	
2. Any such measure, decision or order shall be communicated without delay to the relevant economic operator and the natural or legal persons acting on their behalf, who shall at the same time be informed of the remedies available to them under the law of the Member State concerned and of the time limits to which those remedies are subject.	
3. Before a measure, decision or order referred to in paragraph 1 is taken or made, the economic operator concerned shall be given the opportunity to be heard within an appropriate period of not less than 10 working days, unless there is urgency of the measure, decision or order, based on health or safety requirements or other grounds relating to the public interests covered by this Regulation.	
4. If the measure, decision or order is taken or made without the economic operator being given the opportunity to be heard, the economic operator shall be given that opportunity as soon as possible thereafter and that measure, decision or order can be reviewed promptly by the market surveillance authority.	
5. Member States shall ensure that any measure covered by this Article can be appealed, with or without prior administrative appeal procedure, before a competent court. That court shall also be competent for deciding on the suspensive effect of the appeal or interim measures to be imposed by the court in view of both the public interest and the interests of the economic operator.	

Amendment 211

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The manufacturer shall determine the product type, respecting the boundaries set up therefore by the definition provided in Article 3 point (31)***. The product type shall be processed in accordance with the applicable assessment and verification system set out in Annex V***. The manufacturer shall draw up a declaration of performance and a declaration of conformity in accordance with Articles 9 and Articles 11 to 15 and affix the CE marking in accordance with Articles 16 and 17.	1. The manufacturer shall determine the product type, respecting the boundaries set up therefore by the definition provided in Article 3 point (31). The manufacturer shall draw up a declaration of performance and a declaration of conformity in accordance with Articles 9 and Articles 11 to 15 and affix the CE marking in accordance with Articles 16 and 17.

Amendment 212

Proposal for a regulation

Article 21 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. The manufacturer shall refrain from any claim about the characteristics of a product that is not based on:	2. The manufacturer shall refrain from any claim about the ***essential*** characteristics of a product that is not based on ***the assessment method contained in the applicable harmonised technical specification.***
(a) the assessment method contained in a harmonised technical specification where the relevant characteristic is covered by such; or	
(b) where no such assessment method exists, an assessment method which represents the most effective and advanced method to achieve an accurate assessment.	

Amendment 213

Proposal for a regulation

Article 21 – paragraph 3 – subparagraph 1

Text proposed by the Commission	*Amendment*
3. The manufacturer shall, as the basis for the declarations referred to in paragraph 1, draw up a technical documentation describing the intended use including the ***precise*** conditions for use and all the elements necessary to demonstrate performance and conformity.	3. The manufacturer shall, as the basis for the declarations referred to in paragraph 1, draw up a technical documentation describing the intended use including the conditions for use and all the elements necessary to demonstrate performance and conformity.

Amendment 214

Proposal for a regulation

Article 21 – paragraph 3 – subparagraph 2

Text proposed by the Commission	*Amendment*
That technical documentation shall contain the mandatory or facultative calculation of ***environmental, including climate sustainability*** assessed in accordance with harmonised technical specifications adopted under this Regulation ***or with Commission acts adopted under this Regulation***.	That technical documentation shall contain the mandatory or facultative calculation of ***essential characteristics related to life cycle*** assessed in accordance with harmonised technical specifications adopted under this Regulation.

Amendment 215

Proposal for a regulation

Article 21 – paragraph 5 – subparagraph 1

Text proposed by the Commission	*Amendment*
5. The manufacturer shall ensure that its ***product*** bear a manufacturer-specific type number ***and*** a batch or serial number. If this is impossible, the required information shall be provided on the packaging, on an affixed tag or, as last resort, in a document accompanying the product.	5. The manufacturer shall ensure that its ***products*** bear a manufacturer-specific type number***,*** a batch or serial number ***or any other element enabling them to be identified***. If this is impossible, the required information shall be provided on the packaging, on an affixed tag or, as last resort, in a document accompanying the product.

Amendment 216

Proposal for a regulation

Article 21 – paragraph 5 – subparagraph 2

Text proposed by the Commission	*Amendment*
The manufacturer shall in the same way as set out in the first subparagraph label a product as "Only for professional use" if it is ***not intended for consumers or other non-professional users***. Products not labelled "Only for professional use" shall be deemed to be also intended for non-professional users and consumers in the meaning of this Regulation and the Regulation (EU) … [Regulation on General Product Safety].	The manufacturer shall in the same way as set out in the first subparagraph label a product as "Only for professional use" if ***expertise is needed in order to use it and shall display the label to customers before it is bound by a sales contract, including in case of distance selling***. Products not labelled "Only for professional use" shall be deemed to be also intended for non-professional users and consumers in the meaning of this Regulation and the Regulation (EU) … [Regulation on General Product Safety].

Amendment 217

Proposal for a regulation

Article 21 – paragraph 5 – subparagraph 3

Text proposed by the Commission	*Amendment*
The manufacturer shall, in a visible manner, display to customers before it is bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.	***deleted***

Amendment 218

Proposal for a regulation

Article 21 – paragraph 6 – subparagraph 1

Text proposed by the Commission	*Amendment*
When making a product available on the market ***in a certain Member State***, the manufacturer shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I Part ***D*** in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users.	When making a product available on the market, the manufacturer ***who is not exempted in accordance with Article 10 of this Regulation*** shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I***,*** Part ***C3*** in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users.

Amendment 219

Proposal for a regulation

Article 21 – paragraph 6 – subparagraph 2

Text proposed by the Commission	*Amendment*
The Commission ***may, by means of*** implementing acts determine the format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.	The Commission ***shall adopt*** implementing acts ***to*** determine the ***electronic*** format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.

Amendment 220

Proposal for a regulation

Article 21 – paragraph 7

Text proposed by the Commission	*Amendment*
7. The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the information referred to in paragraph 6 ***and the technical documentation*** in the ***EU*** product ***database or system*** established in accordance with ***Article 78***.	7. The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the information referred to in paragraph 6 in the ***construction digital product passport and construction*** product ***passport registry*** established in accordance with ***Chapter IXa***.

Amendment 221

Proposal for a regulation

Article 21 – paragraph 9

Text proposed by the Commission	*Amendment*
9. Where the product presents a risk ***or is likely to present a risk***, the manufacturer shall within ***two*** working days ***thereof*** inform the authorised ***representative***, importers, distributors, fulfilment service providers, and online market places involved in	9. Where the product presents a risk, the manufacturer shall ***without undue delay and at the latest*** within ***3*** working days inform ***all*** the authorised ***representatives***, importers, distributors, fulfilment service providers, and online market places involved in

Text proposed by the Commission	*Amendment*
the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached ***the*** final user or consumer, the manufacturer shall ***also alert the*** media and ***inform them*** about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a "serious risk" in the meaning of Article 3, point (71) the manufacturer shall withdraw and recall the product at their own cost.	the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached ***a*** final user or consumer ***who cannot be identified or contacted directly***, the manufacturer shall***, through*** media and ***other appropriate channels, ensuring the widest possible reach, disseminate information*** about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a "serious risk" in the meaning of Article 3, point (71) the manufacturer shall withdraw and recall the product at their own cost.

Amendment 222

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point a – introductory part

Text proposed by the Commission	*Amendment*
(a) design and manufacture products and their packaging in such a way that their overall environmental***, including climate*** sustainability ***reaches the state of the art level,*** unless a lower level:	(a) design and manufacture products and their packaging in such a way that ***the protection of human health and*** their overall environmental sustainability ***are maximised, including for climate and biodiversity, as well as energy and resource efficiency, indoor air quality and the avoidance of substances of concern*** unless a lower level:

Amendment 223

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) under the conditions set out in point (a)(i) and (ii) of this Article, ensure that, where technically and economically feasible and without impacting the safety of construction works, by 10 years after the adoption of performance classes in accordance with Article 4(4), point (a), or Article 5(2), all products placed on the market fall within the two highest environmental performance classes established;

Amendment 224

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) under the conditions set out in point (a)(i) and (ii) give preference to recyclable materials ***and*** materials gained from recycling;	(b) under the conditions set out in point (a)(i) and (ii) ***and without creating unjustified barriers to the internal market,*** give preference to ***local, reusable, sustainably sourced bio-based or*** recyclable materials***,*** materials gained from ***re-use or*** recycling ***and by-products, while taking into account the environmental and climate impacts of transporting such materials***;

Amendment 225

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) respect the minimum recycled content obligations and other limit values regarding aspects of environmental, including climate ***sustainability*** contained in harmonised technical specifications;	(c) respect the minimum recycled content obligations and other limit values regarding aspects of environmental ***sustainability***, including climate***, biodiversity, and resource and energy efficiency,*** contained in harmonised technical specifications;

Amendment 226

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) prevent premature obsolescence of products, use reliable parts and design products in such a way that their durability ***does not fall beyond*** the average durability of products of the respective category;	(d) prevent premature obsolescence of products, use reliable parts and design products in such a way that their durability ***is significantly improved compared to*** the average durability of products of the respective category ***that serves the same purpose***;

Amendment 227

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) make available, ***in product databases, instructions for use and*** on permalinks of their own websites, information on how to repair the products and any additional information necessary for repairing, including relevant warnings;	(f) make available, ***at least*** on permalinks of their own websites ***or by means of QR codes and in the Digital Product Passport established in accordance with Article 78, relevant instructions for use***, information on how to repair the products and any additional information necessary for repairing, including relevant warnings;

Amendment 228

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point g

Text proposed by the Commission	*Amendment*
(g) make available on the market itself or by specially designated distributors or by manufacturers of spare parts, with reasonably short delivery time, spare parts for their products for 10 years after the last product of the respective type has been placed on the market or directly installed and inform proactively about this availability;	(g) make available on the market itself or by specially designated distributors or by manufacturers of spare parts, ***with a reasonable and non-discriminatory price and*** with reasonably short delivery time, spare parts for their products for 10 years after the last product of the respective type has been placed on the market or directly installed and inform proactively about this availability;

Amendment 229

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point h

Text proposed by the Commission	*Amendment*
(h) design products in such a way that ***re-use, remanufacturing and recycling are facilitated***, namely by facilitating the separation of components and materials at the later stage of recycling and avoiding mixed, blended or intricate materials***, unless*** remanufacturing and recycling are risky for human safety or the environment***. In this case the manufacturer shall refrain from such design and*** warn against remanufacturing and recycling in accordance with the following point;	(h) design products ***components and materials*** in such a way that ***that they are reusable, remanufacturable and recyclable***, namely by facilitating the separation of ***products*** components and materials at ***de-installation, deconstruction and demolition and*** the later stage of recycling and avoiding mixed, blended or intricate materials ***and substances of concern, and, when*** remanufacturing and recycling are risky for human safety or the environment, warn against remanufacturing and recycling in accordance with the following point;

Amendment 230

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point i

Text proposed by the Commission	*Amendment*
(i) make available, ***in product databases, instructions for use and*** on their own websites, information on how to remanufacture or recycle the products and any additional information necessary for re-use, remanufacturing or recycling, including relevant warnings;	(i) make available, ***at least*** on their own websites ***or by means of QR codes and in the Digital Product Passport established in accordance with Article 78***, ***relevant*** information on how to remanufacture or recycle the products and any additional information necessary for re-use, remanufacturing or recycling, including relevant warnings ***and a list of recycling facilities***;

Amendment 231

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point j

Text proposed by the Commission	*Amendment*
(j) accept to regain, directly or via their importers and distributors, ownership of surplus and unsold products that are in a state equivalent to the one in which they were placed on the market.	(j) accept to regain ***free of charge***, directly or via their importers and distributors, ownership of surplus and unsold products that are in a state equivalent to the one in which they were placed on the market***, unless more than 5 years have passed since the product was placed on the market;***

Amendment 232

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point j a (new)

Text proposed by the Commission	*Amendment*
	(ja) have extended producer responsibility, in accordance with relevant provisions in Directive 2008/98/EC, for products that they make available on the market for the first time within the territory of a Member State, including financing of direct or indirect collection, transport, preparation for repurposing and remanufacturing, treatment and recycling of waste construction products and providing end-of-life information.

Amendment 233

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission	*Amendment*
4. In order to specify the obligations set out in paragraph 2, the Commission ***is empowered to*** supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these obligations. Alternatively, the Commission may issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with the obligations of paragraph 2 for a specific product family or category. The obligations contained in paragraph 2 shall not apply before such a delegated act or a harmonised standard has become applicable.	4. In order to specify the obligations set out in paragraph 2 ***of this Article***, the Commission ***shall, by … [1 year after date of application of this Regulation],*** supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these obligations. Alternatively, the Commission may issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with the obligations of paragraph 2 ***of this Article*** for a specific product family or category. The obligations contained in paragraph 2***, points (a), (d), (e), (g) (h), (j) and (ja) of this Article*** shall not apply before such a delegated act or a harmonised standard has become applicable.

Amendment 234

Proposal for a regulation

Article 22 – paragraph 5

Text proposed by the Commission	*Amendment*
5. In order to ensure transparency for the users and to promote sustainable products, the Commission ***is empowered to*** supplement this Regulation by delegated acts adopted in accordance with Article 87 to establish specific environmental sustainability labelling requirements ***including "traffic-light-labelling"*** in relation to environmental obligations set out in paragraph 1, product inherent environmental requirements set out in Annex I Part C Point 2, and environmental performance classes established in accordance with of Article 4(4), point (a).	5. In order to ensure transparency for the users and to promote sustainable products, the Commission ***shall*** supplement this Regulation by delegated acts adopted in accordance with Article 87 to establish specific environmental sustainability labelling requirements ***for products marketed to end consumers*** in relation to environmental obligations set out in paragraph 1, product inherent environmental requirements set out in Annex I Part C Point 2, and environmental performance classes established in accordance with of Article 4(4), point (a).

Amendment 235

Proposal for a regulation

Article 22 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The manufacturer shall affix the ***traffic light*** label in the way set out in the delegated acts adopted in accordance with paragraph 5.	6. The manufacturer shall affix the label in the way set out in the delegated acts adopted in accordance with paragraph 5***, including in a visible manner at the point of sale, including online sales, and on the website of the manufacturer***.

Amendment 236

Proposal for a regulation

Article 22 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6a. Where appropriate to promote the availability of products with the best sustainability performance on the market, the Commission shall foster the use of the EU Ecolabel referred to in Regulation (EC) No 66/2010 of the European Parliament and of the Council for labelling the best performing products.

Amendment 237

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A manufacturer may appoint, by a written mandate, any natural or legal person established within the Union as a single authorised representative. A manufacturer not established in the Union shall appoint a single authorised representative.	1. A manufacturer ***established in the Union*** may appoint, by a written mandate, any natural or legal person established within the Union as a single authorised representative. A manufacturer not established in the Union shall appoint a single authorised representative.

Amendment 238

Proposal for a regulation

Article 23 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Authorised representatives shall act with due care in relation to the obligations of this Regulation. They shall be liable for ***gross negligence or conscious*** infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.	2. Authorised representatives shall act with due care in relation to the obligations of this Regulation. They shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

Amendment 239

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) terminate the contract ***where*** the manufacturer ***infringes*** this Regulation and inform thereof the competent national authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business;	(c) terminate the contract ***if it considers that*** the manufacturer ***has acted contrary to its obligations under*** this Regulation and inform thereof ***the manufacturer and*** the competent national authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business;

Amendment 240

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) when having reason to believe that a product in question is non-compliant or presents a risk, inform the national competent authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business thereof; and	(d) when having reason to believe that a product in question is non-compliant or presents a risk, inform ***the manufacturer and*** the national competent authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business thereof; and

Amendment 241

Proposal for a regulation

Article 23 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where an authorised representative ***considers that there is*** a non-compliance mentioned in ***the*** paragraph 4, the authorised representative shall ask the manufacturer to remedy the non-compliances. The manufacturer shall thereon stop the placing on the market and ask other economic operators involved in the distribution to stop their commercial activities, until the ***authorised representative regards the infringements as*** remedied. ***Where the non-compliances are not remedied within one month whilst products possibly continue to be made available on the market, the authorised representative shall be allowed to terminate his contract with the manufacturer and thereof inform the national competent authorities of the Member States where the products are placed on the market and the national competent authority of his own place of business. The latter shall coordinate joint actions of all competent authorities, unless the national competent authorities agree on another national competent authority to coordinate.***	5. Where an authorised representative ***identifies*** a non-compliance mentioned in paragraph 4, the authorised representative shall ask the manufacturer to remedy the non-compliances. The manufacturer shall thereon stop the placing on the market and ask other economic operators involved in the distribution to stop their commercial activities, until the ***non-compliance is*** remedied.

Amendment 242

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The importer ***shall verify that the intended use of the product has been precisely and correctly determined by the manufacturer and*** shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part ***D*** in a language determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.	2. The importer shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part ***C3*** in a language determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.

Amendment 243

Proposal for a regulation

Article 24 – paragraph 4

Text proposed by the Commission	*Amendment*
4. After having assembled all available product information from the manufacturer and the de-installer, ***the importer shall in particular*** scrutinise used and remanufactured products***, namely*** with regard to damages or indications for loss of performance or non-compliance ***and changed mechanical or chemical properties, and assess*** all risks***; when necessary to ensure safety or the protection of the environment, the importer shall reduce the intended use or refrain from selling***. ***This obligation shall also apply to used and remanufactured products for which no declaration of performance is mandatory.***	4. ***The importer shall,*** after having assembled all available product information from the manufacturer and the de-installer, scrutinise used and remanufactured products with regard to damages or indications for loss of performance or non-compliance***, while assessing*** all risks.

Amendment 244

Proposal for a regulation

Article 24 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. ***Furthermore, where*** the product ***presents a risk, the importer*** shall ***inform the manufacturer and the geographically responsible national competent authority thereof***.	5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. ***In the event that*** the product ***has already been placed on the market, it*** shall ***take the necessary corrective measures to bring that product into conformity, or, where appropriate, to withdraw or recall it***.

Amendment 245

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission	*Amendment*
2. When making a product available on the market, ***the distributor*** shall fulfil the obligations incumbent on importers in accordance with Article ***24(1)*** to (5) whilst references to "placing on the market" shall be understood as "further making available on the market".	2. When making a product available on the market, ***distributors shall verify at a documentary level that the manufacturer and the importer have complied with the requirements set out in Article 21(1), (5) and (6) and, where applicable, in Article 22(2), points (f) and (i) and*** shall fulfil the obligations incumbent on importers in accordance with Article ***24(3)*** to (5) whilst references to "placing on the market" shall be understood as "further making available on the market".

Amendment 246

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The distributor shall ensure that no products are sold to consumers or other non-professional users which are labelled "for professional use only". These products shall, in their premises, online and on paper publicity material, be presented as products for professional use only.	***deleted***

Amendment 247

Proposal for a regulation

Article 26 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) there is no manufacturer in the meaning of this Regulation;	***deleted***

Amendment 248

Proposal for a regulation

Article 26 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) it modifies a product in such a way that compliance with the declaration of performance and of conformity or with the requirements set out in and in accordance with this Regulation may be affected;	(c) it ***stores or*** modifies a product in such a way that compliance with the declaration of performance and of conformity or with the requirements set out in and in accordance with this Regulation may be affected;

Amendment 249

Proposal for a regulation

Article 26 – paragraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) it claims for it characteristics deviating from the characteristics ***claimed*** by the manufacturer.	(f) it claims for it characteristics deviating from the characteristics ***declared*** by the manufacturer.

Amendment 250

Proposal for a regulation

Article 26 – paragraph 1 – point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) it has subjected an imported or distributed, used or remanufactured product to a transformative process going beyond repair, cleaning and regular maintenance after being de-installed;

Amendment 251

Proposal for a regulation

Article 26 – paragraph 1 – point f b (new)

Text proposed by the Commission	*Amendment*
	(fb) it imports a used or remanufactured product, unless this product has been placed on the Union market before being used;

Amendment 252

Proposal for a regulation

Article 26 – paragraph 1 – point f c (new)

Text proposed by the Commission	*Amendment*
	(fc) it opts to assume the role of the manufacturer.

Amendment 253

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Paragraph 1 shall also apply to:	***deleted***
(a) an importer of used or remanufactured products, unless the used or remanufactured product have been placed on the Union market before being used;	
(b) an importer or distributor of used products who does either of the following:	
(i) subjects those used products to a transformative process going beyond repair, cleaning and regular maintenance after being de-installed;	
(ii) opts for assuming the role of the manufacturer.	

Amendment 254

Proposal for a regulation

Article 26 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Paragraph 1 shall not apply where the economic operator only:	***deleted***
(a) adds translations of the information supplied by the manufacturer;	
(b) replaces the outer packaging of a product already placed on the market, including when changing the pack size, if the repackaging is carried out in such a way that the original condition of the product cannot be affected by it and that the information to be provided in accordance with this Regulation is still correctly provided.	

Amendment 255

Proposal for a regulation

Article 26 – paragraph 4

Text proposed by the Commission	*Amendment*
4. An economic operator providing the activities listed in paragraph 3 shall inform thereof the manufacturer or its authorised representative, regardless of whether they own the products or whether they provide services. It shall carry out the repackaging in such a way that the original condition of the product cannot be affected by the repackaging and that the information to be provided in accordance with this Regulation is still correctly provided. The economic operator shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Regulation.	***deleted***

Amendment 256

Proposal for a regulation

Article 27 – title

Text proposed by the Commission	*Amendment*
Obligation of fulfilment service providers, brokers, online market places**,** online sellers***, online shops and online search engines***	Obligation of fulfilment service providers, brokers, online market places ***and*** online sellers

Amendment 257

Proposal for a regulation

Article 27 – paragraph 1

Text proposed by the Commission	*Amendment*
1. When contributing to the making available on the market ***or direct installation*** of a product, fulfilment service provider or broker shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.	1. When contributing to the making available on the market of a product, fulfilment service provider or broker shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

Amendment 258

Proposal for a regulation

Article 27 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) verify that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and Article 22(2), points (f) and (i);	(b) verify ***at a documentary level*** that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and Article 22(2), points (f) and (i);

Amendment 259

Proposal for a regulation

Article 27 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) ***eliminate all offers for products which are non-compliant or likely to be risky in the meaning of Article 21(9) last sentence on their own initiative or, within two working days, on*** request of the market surveillance authorities;	(d) ***at the*** request of the market surveillance authorities***, cease to offer products which are non-compliant or present a risk within the meaning of Article 21(9)***;

Amendment 260

Proposal for a regulation

Article 27 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) give an appropriate answer ***without undue delay, and in any event within five working days, in the Member State where the online marketplace operates,*** to notices related to notification of accidents and other incidents with products received in accordance with [Article 14] of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC;	(c) give an appropriate answer to notices related to notification of accidents and other incidents with products received in accordance with [Article 14] of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC;

Amendment 261

Proposal for a regulation

Article 27 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The paragraphs 1 and 2, paragraph 3, points (b) to (i) and paragraphs 4 and 5 shall also apply to manufacturers, importers, distributors or other economic operators offering products online without involvement of an online marketplace ***("online shops")***.	6. The paragraphs 1 and 2, paragraph 3, points (b) to (i) and paragraphs 4 and 5 shall also apply to manufacturers, importers, distributors or other economic operators offering products online without involvement of an online marketplace.

Amendment 262

Proposal for a regulation

Article 27 – paragraph 7

Text proposed by the Commission	*Amendment*
7. The paragraph 3, points (d) to (h) shall also apply to online search engines.	***deleted***

Amendment 263

Proposal for a regulation

Article 27 – paragraph 8

Text proposed by the Commission	*Amendment*
8. A fulfilment service provider shall ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with the requirements set out in this Regulation.	8. A fulfilment service provider shall ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with the requirements set out in this Regulation. ***The manufacturer or importer of construction products shall provide the fulfilment service providers with the detailed information necessary for ensuring the safe storage, packaging, addressing or dispatch and further functioning of the product.***

Amendment 264

Proposal for a regulation

Article 28 – title

Text proposed by the Commission	*Amendment*
Obligations ***of*** 3D-printing ***service providers and of providers of moulds, of 3D-printing datasets, and of 3D-printing materials***	Obligations ***in relation to*** 3D-printing ***of construction products***

Amendment 265

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. A ***3D-printing service provider*** shall:	1. A ***natural or legal person that 3D-prints construction products*** shall:

Amendment 266

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) ***refrain from placing on the market or directly installing products for clients without satisfying*** the obligations incumbent on manufacturers;	(a) ***satisfy*** the obligations incumbent on manufacturers ***when placing their products on the market***;

Amendment 267

Proposal for a regulation

Article 28 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) ***inform its clients that they may use 3D-printing services only for the fabrication of products for their own use, unless satisfying the obligations incumbent on manufacturers***;	(b) ***use the appropriate 3D datasets***;

Amendment 268

Proposal for a regulation

Article 28 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) ***inform its clients that the 3D-datasets and*** the materials ***to be used shall*** have undergone the procedures applicable to products under this Regulation; and	(c) ***ensure that*** the materials ***used*** have undergone the procedures applicable to products under this Regulation; and

Amendment 269

Proposal for a regulation

Article 28 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) ***inform its clients that both*** the information provided by the manufacturer of the 3D-dataset and the information provided by the manufacturer of the printing material ***shall*** coincide ***and confirm the usability of the material for that type of 3D-dataset and the given 3D-printing technology***.	(d) ***ensure that*** the information provided by the manufacturer of the 3D-dataset and the information provided by the manufacturer of the printing material coincide.

Amendment 270

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Providers of moulds and of 3D-datasets intended to produce items covered by this Regulation shall produce 10 such items and shall make them available to the notified body, technical assessment body and to authorities on request. Providers of moulds and of 3D-datasets intended to produce items covered by this Regulation shall assess and document the fulfilment of requirements of this Regulation with regard to the produced items.	***deleted***

Amendment 271

Proposal for a regulation

Article 28 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Providers of materials intended to be used for the 3D-printing of items covered by this Regulation on or close to the construction site shall produce 10 such items for each intended use and shall make them available to the notified body, technical assessment body and to authorities on request. Providers of materials intended to be used for the 3D-printing of items covered by this Regulation on or close to the construction site shall assess and document the fulfilment of requirements of this Regulation with regard to the produced items.	***deleted***

Amendment 272

Proposal for a regulation

Article 30

Text proposed by the Commission	*Amendment*
Article 30	***deleted***
Obligations of suppliers and service providers involved in the manufacturing of products	
1. A supplier or service provider involved in the manufacturing of products shall:	
(a) provide to manufacturers, notified bodies and authorities all available information on the environmental sustainability of their supplied component or service;	
(b) ensure the correctness of such information namely by respecting this Regulation and correct any errors made by communication to all their clients and, if potentially useful, to notified bodies and authorities;	
(c) permit, in absence of such information, their customers to assess that environmental sustainability on their own expense and support that assessment, namely by giving access to all documents, including those of commercial character, relevant for that assessment;	
(d) permit notified bodies to verify the correctness of any calculation of the environmental sustainability and support that verification;	
(e) permit notified bodies to verify the performance and compliance of the supplied component or service and support that verification.	
2. Where a supplier or service provider has been informed in accordance with the last sentence of Article 21(8), it shall forward that information to his other clients who have, in the last 5 years, received components or services which are identical with regard to the issue in question. In case of a serious risk as defined in Article 3, point (71) or a risk falling under the last sentence of Article 21(9), the supplier or service provider shall also inform the national competent authorities of the Member States where products with that component or manufacturing service have been made available on the market or directly installed; where it cannot identify these Member States, it shall inform all national competent authorities.	

Amendment 273

Proposal for a regulation

Article 31 – title

Text proposed by the Commission	*Amendment*
Double use ***and pseudo*** products	Double use products

Amendment 274

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A manufacturer of double use products shall satisfy the obligations of this Regulation ***for all the items of the respective type***, unless they are ***specifically*** marked as "not for construction".	1. A manufacturer of double use products ***and other economic operators dealing with them*** shall satisfy the obligations of this Regulation, unless they are marked as "not for construction".

Amendment 275

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Other economic operators dealing with double use products shall fulfil the obligations incumbent on them in accordance with this Regulation. In their commercial contracts, they shall establish an obligation of their clients to do the same and not to sell or to use items for construction which are marked as "not for construction".	***deleted***

Amendment 276

Proposal for a regulation

Article 31 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. For ***items suitable*** for construction ***for which the manufacturer has never intended such use and which, therefore, have not been CE-marked ("pseudo products"),*** other economic operators shall:	3. For ***double use products marked as "not*** for construction" other economic operators shall:

Amendment 277

Proposal for a regulation

Article 32 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the economic operator uses the currency of the Member States ***or a crypto-currency covered by Regulation (EU) […]*** [47] ***unless, in the latter case, selling to the Union is explicitly excluded by effective means***;	(b) the economic operator uses the currency of the Member States;
[47] ***Future Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937, see COM/2020/593 final.***	

Amendment 278

Proposal for a regulation

Article 33

Text proposed by the Commission	*Amendment*
Article 33	***deleted***
Implementing acts on economic operators' obligations and rights	
Where this is necessary to ensure a harmonised application of this Regulation and only to the extent necessary to prevent diverging practices creating an uneven playing field for economic operators, the Commission may adopt implementing acts providing details on how to execute the obligations and rights of economic operators contained in this Chapter.	
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).	

Amendment 279

Proposal for a regulation

Chapter IV – title

Text proposed by the Commission	*Amendment*
CONSTRUCTION PRODUCTS STANDARDS AND EUROPEAN ASSESSMENT DOCUMENTS	EUROPEAN ASSESSMENT DOCUMENTS

Amendment 280

Proposal for a regulation

Article 34

Text proposed by the Commission	*Amendment*
[...]	***deleted***

Amendment 281

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Article 4(1) and (4), Article 6, Article 9 and Articles 11 to 17 shall apply to European assessment documents. Where the CE marking is issued on the basis of a European assessment document and European technical assessment, the European assessment document shall be referred to in the declaration of performance and the declaration of conformity.	***deleted***

Amendment 282

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Following a request for a European technical assessment by a manufacturer or a group of manufacturers or on initiative of the Commission, a European assessment document may be drawn up and adopted by the organisation of technical assessment bodies ('TABs') in agreement with the Commission for any product not covered by:	Following a request for a European technical assessment by a manufacturer or a group of manufacturers or on initiative of the Commission, a European assessment document may be drawn up and adopted by the organisation of technical assessment bodies ('TABs') in agreement with the Commission for any ***kind or category of*** product not covered by:

Amendment 283

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) a harmonised technical specification intended to be adopted in the next ***2 years*** as from the date of verification with the Commission;	(b) a harmonised technical specification intended to be adopted in the next ***1 year*** as from the date of verification with the Commission;

Amendment 284

Proposal for a regulation

Article 35 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The Commission shall task EOTA and CEN with coordinating to ensure that there is no overlap between a European assessment document and harmonised standards or parts thereof.

Amendment 285

Proposal for a regulation

Article 35 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The organisation of TABs and the Commission may bundle or reject requests for the development of a European assessment document. The procedure for adopting ***the*** European assessment document shall ***respect Article 36 and shall*** comply with Article ***37 and*** Annex ***III***.	3. The organisation of TABs and the Commission may bundle or reject requests for the development of a European assessment document. The procedure for adopting ***a*** European assessment document shall comply with Article ***36 and the procedure laid down in*** Annex ***IIIa***.

Amendment 286

Proposal for a regulation

Article 35 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Article 4(1) and (4), Article 6, Article 9 and Articles 11 to 17 shall apply to European assessment documents. Where the CE marking is issued on the basis of a European assessment document and a European technical assessment, the European assessment document shall be referred to in the declaration of performance and the declaration of conformity.

Amendment 287

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission is empowered to amend Annex ***III*** by delegated act adopted in accordance with Article 87 to establish supplementary procedural rules for the development and adoption of a European assessment document, where this is necessary to ensure the good functioning of the European assessment documents system.	4. The Commission is empowered to amend Annex ***IIIa*** by delegated act adopted in accordance with Article 87 to establish supplementary procedural rules for the development and adoption of a European assessment document, where this is necessary to ensure the good functioning of the European assessment documents system.

Amendment 288

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) disclose ***as little as possible*** information protected by intellectual property rights, and protect commercial secrecy and confidentiality;	(b) ***not to*** disclose ***the*** information protected by intellectual property rights, and protect commercial secrecy and confidentiality;

Amendment 289

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) allow ***at any stage*** for adequate participation by the Member States and the Commission;	(d) allow for adequate participation by the Member States and the Commission;

Amendment 290

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The balancing of principles laid down in points (a) and (b) shall at least allow for the disclosure of the name of the product at the stage of the approval and the communication of the work programme, as set out in Annex ***III***, point ***3.,*** and the detailed contents of the draft European assessment document set out in Annex ***III***, point ***7***.	The balancing of principles laid down in points (a) and (b) ***of this paragraph*** shall at least allow for the disclosure of the name of the product at the stage of the approval and the communication of the work programme, as set out in Annex ***IIIa***, point ***5*** and the detailed contents of the draft European assessment document set out in Annex ***IIIa***, point ***5***.

Amendment 291

Proposal for a regulation

Article 37 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) where the product is not covered by any harmonised technical specification or European assessment document and where no such harmonised technical specification is intended to be adopted in the next ***two years***, or no such or European assessment document is already in the procedure of developing pursuant to Annex ***III***, the TAB shall apply the procedures set out in Annex ***III*** or those established in accordance with Article 35(4).	(c) where the product is not covered by any harmonised technical specification or European assessment document and where no such harmonised technical specification is intended to be adopted in the next ***year***, or no such or European assessment document is already in the procedure of developing pursuant to Annex ***IIIa***, the TAB shall apply the procedures set out in Annex ***IIIa*** or those established in accordance with Article 35(4).

Amendment 292

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Only European assessment documents referred to in that list and published ***in at least one language of the Union*** by either the Commission or by the organisation of TABs shall authorise the issuing of European technical assessments in accordance with Article 42 and trigger legal effects in accordance with Article 42(5), including with regard to the manufacturer who requested the development of the European assessment document. This legal effect of European assessment documents shall expire ten years after their first citation in the Official Journal of the European Union unless they have been renewed in the last year prior to expiry and the Commission decides to maintain the listing.	2. Only European assessment documents referred to in that list and published by either the Commission or by the organisation of TABs shall authorise the issuing of European technical assessments in accordance with Article 42 and trigger legal effects in accordance with Article 42(5), including with regard to the manufacturer who requested the development of the European assessment document. This legal effect of European assessment documents shall expire ten years after their first citation in the Official Journal of the European Union ***or immediately where the European technical document has been withdrawn*** unless they have been renewed in the last year prior to expiry and the Commission decides to maintain the listing.

Amendment 293

Proposal for a regulation

Article 38 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. In order to ensure the high quality of European assessment documents and to accommodate the confidentiality needs of the applicant for the related European technical assessment, before the reference to a new European assessment document is cited in the Official Journal of the European Union, a draft of the first European technical assessment based on that European assessment document shall be issued. If necessary, the final draft of the European assessment document shall be amended based on the experience gained with the issue of the first European technical assessment. The Commission, jointly with organisation of TABs, shall communicate the date of citation of the reference to the European assessment document.

Amendment 294

Proposal for a regulation

Article 40 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) a description of the product covered; and	(a) a description of the ***kind or category of*** product covered; and

Amendment 295

Proposal for a regulation

Article 40 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the list of essential characteristics, relevant for the intended use of the product as set out by the manufacturer and agreed between the manufacturer and the organisation of TABs, and the methods and criteria for assessing the performance of the product in relation to those essential characteristics.	(b) the list of essential characteristics, relevant for the intended use of the ***kind or category of*** product as set out by the manufacturer and agreed between the manufacturer and the organisation of TABs, and the methods and criteria for assessing the performance of the product in relation to those essential characteristics.

Amendment 296

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Principles for the applicable factory production control to be applied shall be set out in the European assessment document, taking into account the conditions of the manufacturing process of the product concerned.	2. Principles for the applicable factory production control to be applied shall be set out in the European assessment document, taking into account the conditions of the manufacturing process of the ***kind or category of*** product concerned.

Amendment 297

Proposal for a regulation

Article 40 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where the performance of some of certain essential characteristics of the ***product*** can appropriately be assessed with methods and criteria established in harmonised technical specifications or European assessment documents, those existing methods and criteria shall be incorporated as parts of the European assessment document***, unless there are good reasons to deviate from this rule***.	3. Where the performance of some of certain essential characteristics of the ***kind or category of products*** can appropriately be assessed with methods and criteria established in harmonised technical specifications or European assessment documents, those existing methods and criteria shall be incorporated as parts of the European assessment document.

Amendment 298

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
The European technical assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European assessment document ***established in accordance with the procedures set out in Article 37 and Annex III*** the reference of which has been cited in the Official Journal of the European Union in accordance with Article 38.	***A*** European technical assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European assessment document***,*** the reference of which has been cited in the Official Journal of the European Union in accordance with Article 38.

Amendment 299

Proposal for a regulation

Article 42 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. When a request for a European technical assessment is made, the procedure laid down in Annex IIIa shall apply.

Amendment 300

Proposal for a regulation

Article 43

Text proposed by the Commission	*Amendment*
Article 43 ***Designating authorities*** ***1. Member States wishing to designate technical assessment bodies shall designate a single authority in charge of technical assessment bodies (hereafter: the "designating authority"). Designating authorities shall satisfy the requirements for notifying authorities set out in Articles 48(1) and Article 49. The designating authority shall not be eligible for designation in accordance with Article 44(1).*** ***2. Unless otherwise specified in this Chapter, the provisions applicable to notifying authorities and to notification procedures apply also to designating authorities and to the designation procedures. However, Member States may not use accreditation.***	***deleted***

Amendment 301

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Member States may designate Technical Assessment Bodies (TABs) within their territories for one or several product areas listed in of Annex IV, Table 1. ***The Commission is empowered to amend this table by delegated acts adopted in accordance with Article 87 to adapt it to*** technical ***progress***.	Member States may designate Technical Assessment Bodies (TABs) within their territories for one or several product areas listed in of Annex IV, Table 1. ***When the Member State decides to designate a TAB, it shall appoint one single authority in charge of*** technical ***assessment bodies (the "designated authority")***.

Amendment 302

Proposal for a regulation

Article 44 – paragraph 3 – subparagraph 1

Text proposed by the Commission	*Amendment*
The ***designating authority*** designated ***in accordance with Article 43*** shall monitor the activities and competence of the TABs designated in their respective Member State, and where necessary their subsidiaries and subcontractors, and evaluate them in relation to the respective requirements set out in this Chapter. The ***designating*** authority shall instruct the TABs wherever there is an infringement of law or common practice agreed between the Member States and the Commission. In case of repeated infringement of the law, it may revoke the designation of the TAB.	The designated ***authority*** shall monitor the activities and competence of the TABs designated in their respective Member State, and where necessary their subsidiaries and subcontractors, and evaluate them in relation to the respective requirements set out in this Chapter. The ***designated*** authority shall instruct the TABs wherever there is an infringement of law or common practice agreed between the Member States and the Commission. In case of repeated infringement of the law, it may revoke the designation of the TAB.

Amendment 303

Proposal for a regulation

Article 44 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Commission may investigate the compliance of TABs with the requirements set out in this chapter, as well as the fulfilment by the responsible ***designating*** authorities of their monitoring obligations.	5. The Commission may investigate the compliance of TABs with the requirements set out in this chapter, as well as the fulfilment by the responsible ***designated*** authorities of their monitoring obligations.

Amendment 304

Proposal for a regulation

Article 44 – paragraph 6

Text proposed by the Commission	*Amendment*
6. TABs shall, upon request by the relevant ***designating*** authority, supply all relevant information and documents, required to enable the authority, the Commission and the Member States to verify compliance.	6. TABs shall, upon request by the relevant ***designated*** authority, supply all relevant information and documents, required to enable the authority, the Commission and the Member States to verify compliance.

Amendment 305

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 1 – point i

Text proposed by the Commission	*Amendment*
(i) ensure that adopted European assessment documents and references to European technical assessments are kept publicly available ***in all EU languages***.	(i) ensure that adopted European assessment documents and references to European technical assessments are kept publicly available.

Amendment 306

Proposal for a regulation

Article 46 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The Commission may make the financing of the organisation of TABs, regardless of via grants or public tenders, subject to the fulfilment of ***certain*** organisational and performance requirements, including with regard to a fair geographic distribution of TABs.	6. The Commission may make the financing of the organisation of TABs, regardless of via grants or public tenders, subject to the fulfilment of organisational and performance requirements, including with regard to a fair geographic distribution of TABs.

Amendment 307

Proposal for a regulation

Article 49 – paragraph 6 – subparagraph 1

Text proposed by the Commission	*Amendment*
The notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks. ***The Commission may adopt implementing acts laying down a minimum number of full-time equivalences considered sufficient for the proper monitoring of notified bodies, where appropriate in relation to specific conformity assessment tasks. Where monitoring is carried out by a national accreditation body or a body referred to in Article 48(3), this minimum number shall apply to that body.***	The notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks.

Amendment 308

Proposal for a regulation

Article 49 – paragraph 6 – subparagraph 2

Text proposed by the Commission	*Amendment*
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).	***deleted***

Amendment 309

Proposal for a regulation

Article 50 – paragraph 3 – subparagraph 1

Text proposed by the Commission	*Amendment*
A conformity assessment body shall be independent of the organisation or the product it assesses.	A conformity assessment body shall be ***a third-party body*** independent ***of all business ties*** of the organisation or the ***construction*** product it assesses.

Amendment 310

Proposal for a regulation

Article 50 – paragraph 3 – subparagraph 2

Text proposed by the Commission	*Amendment*
It shall be independent of any and all business ties with organisations having an interest in the products it assesses, manufacturers, their trade partners or their shareholding investors, as well as with other notified bodies and their business associations, parent companies or subsidiaries. This does not preclude the notified body from carrying out assessment and verification activities for competing manufacturers.	***deleted***

Amendment 311

Proposal for a regulation

Article 50 – paragraph 3 – subparagraph 3

Text proposed by the Commission	*Amendment*
A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such an independent body.	A ***conformity assessment*** body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such an independent body.

Amendment 312

Proposal for a regulation

Article 50 – paragraph 4 – subparagraph 1

Text proposed by the Commission	*Amendment*
A ***notified*** body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which it assesses, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the ***notified*** body or the use of products for personal purposes.	A ***conformity assessment*** body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which it assesses, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the ***conformity assessment*** body or the use of products for personal purposes.

Amendment 313

Proposal for a regulation

Article 50 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
A ***notified*** body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not become directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those products, nor represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement and integrity related to the activities for which they have been notified nor provide consultancy services.	A ***conformity assessment*** body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not become directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those products, nor represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement and integrity related to the activities for which they have been notified nor provide consultancy services.

Amendment 314

Proposal for a regulation

Article 50 – paragraph 4 – subparagraph 3

Text proposed by the Commission	*Amendment*
A ***notified*** body shall ensure that activities of its parent or sister companies, its subsidiaries or subcontractors do not affect the confidentiality, objectivity and impartiality of its assessment and/or verification activities.	A ***conformity assessment*** body shall ensure that activities of its parent or sister companies, its subsidiaries or subcontractors do not affect the confidentiality, objectivity and impartiality of its assessment and/or verification activities.

Amendment 315

Proposal for a regulation

Article 50 – paragraph 5

Text proposed by the Commission	*Amendment*
5. A ***notified*** body and its personnel shall carry out the third party tasks in the assessment and verification process with the highest degree of professional integrity and requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their assessment and/or verification activities, especially from persons or groups of persons with an interest in the results of those activities.	5. A ***conformity assessment*** body and its personnel shall carry out the third party tasks in the assessment and verification process with the highest degree of professional integrity and requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their assessment and/or verification activities, especially from persons or groups of persons with an interest in the results of those activities.

Amendment 316

Proposal for a regulation

Article 50 – paragraph 6 – subparagraph 1

Text proposed by the Commission	*Amendment*
A ***notified*** body shall be capable of carrying out all the third party tasks in the assessment and verification process assigned to it in accordance with Annex V in relation to which it has been notified, whether those tasks are carried out by the ***notified*** body itself or on its behalf and under its responsibility.	A ***conformity assessment*** body shall be capable of carrying out all the third party tasks in the assessment and verification process assigned to it in accordance with Annex V in relation to which it has been notified, whether those tasks are carried out by the ***conformity assessment*** body itself or on its behalf and under its responsibility.

Amendment 317

Proposal for a regulation

Article 50 – paragraph 6 – subparagraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the necessary personnel with technical knowledge and sufficient and appropriate experience to perform the third party tasks in the assessment and verification process***. Personnel responsible for taking assessment decisions shall be employed by the notified body under the national law of the notifying Member State, shall not have any other potentially conflicting loyalty obligation or potential conflict of interest, shall be competent to verify the assessments made by other staff, external experts or subcontractors. Its number shall be sufficient to ensure business continuity and a consistent approach to conformity assessments***;	(a) the necessary ***competent*** personnel with technical knowledge and sufficient and appropriate experience to perform the third party tasks in the assessment and verification process;

Amendment 318

Proposal for a regulation

Article 50 – paragraph 6 – subparagraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the necessary description of procedures according to which the assessment process is carried out, ensuring the transparency and the ability of reproduction of these procedures. ***This*** shall ***include a qualification matrix matching relevant*** personnel***, their respective status and*** tasks ***within the conformity assessment body with the conformity assessment tasks in relation to which the body intends to be notified;***	(b) the necessary description of procedures according to which the assessment process is carried out, ensuring the transparency and the ability of reproduction of these procedures. ***It*** shall ***have appropriate policies and procedures in place that distinguish between the tasks it carries out as a notified body and other activities, and it shall assign its*** personnel ***to those*** tasks.

Amendment 319

Proposal for a regulation

Article 50 – paragraph 6 – subparagraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) appropriate policies and procedures in place that distinguish between the tasks it carries out as a notified body and other activities;	***deleted***

Amendment 320

Proposal for a regulation

Article 50 – paragraph 6 – subparagraph 3

Text proposed by the Commission	*Amendment*
A ***notified*** body shall have the means necessary to perform the technical and administrative tasks connected with the activities for which it intends to be notified in an appropriate manner and shall have access to all necessary equipment or facilities.	A ***conformity assessment*** body shall have the means necessary to perform the technical and administrative tasks connected with the activities for which it intends to be notified in an appropriate manner and shall have access to all necessary equipment or facilities.

Amendment 321

Proposal for a regulation

Article 50 – paragraph 9

Text proposed by the Commission	*Amendment*
9. A ***notified*** body shall take out liability insurance unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the assessment and/or the verification performed.	9. A ***conformity assessment*** body shall take out liability insurance unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the assessment and/or the verification performed.

Amendment 322

Proposal for a regulation

Article 50 – paragraph 10

Text proposed by the Commission	*Amendment*
10. The personnel of the ***notified*** body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks under Annex V, except in relation to the competent administrative authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.	10. The personnel of the ***conformity assessment*** body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks under Annex V, except in relation to the competent administrative authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

Amendment 323

Proposal for a regulation

Article 50 – paragraph 11

Text proposed by the Commission	*Amendment*
11. A ***notified body shall ensure that its*** assessment ***personnel is informed of the relevant standardisation activities and*** shall participate in, and ensure that its assessment personnel is informed of, activities of the notified body coordination group established under this Regulation and shall apply as general guidance the administrative decisions and documents produced as a work result ***of that group***.	11. A ***conformity*** assessment ***body*** shall participate in, and ensure that its assessment personnel is informed of***, relevant standardisation activities***, activities of the notified body coordination group established under this Regulation and shall apply as general guidance the administrative decisions and documents produced as a work result.

Amendment 324

Proposal for a regulation

Article 51 – title

Text proposed by the Commission	*Amendment*
Presumption of conformity	Presumption of conformity ***of notified bodies***

Amendment 325

Proposal for a regulation

Article 53 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established. ***The relevant notified bodies shall establish procedures for the on-going monitoring of the competence, activities and performance of its subcontractors or subsidiaries, taking into account the qualification matrix referred to in Article 50(6) point (b).***	2. The notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.

Amendment 326

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The application shall be accompanied by a description of the activities to be performed, the assessment and/or verification processes for which the body claims to be competent***, the qualification matrix referred to in Article 50(6), point (b)***, an	2. The application shall be accompanied by a description of the activities to be performed, the assessment and/or verification processes for which the body claims to be competent, an accreditation certificate, where one exists, issued by the national

Text proposed by the Commission	*Amendment*
accreditation certificate, where one exists, issued by the national accreditation body within the meaning of Regulation (EC) No 765/2008, attesting that the body meets the requirements laid down in Article 50. The accreditation certificate shall relate only to the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. It shall be based, in addition to relevant harmonised standards, on the specific requirements and assessment tasks.	accreditation body within the meaning of Regulation (EC) No 765/2008, attesting that the body meets the requirements laid down in Article 50. The accreditation certificate shall relate only to the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. It shall be based, in addition to relevant harmonised standards, on the specific requirements and assessment tasks.

Amendment 327

Proposal for a regulation

Article 58 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 50, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification as appropriate, depending on the seriousness of the failure to meet those requirements or to fulfil those obligations.	1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 50, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification as appropriate, depending on the seriousness of the failure to meet those requirements or to fulfil those obligations. ***It shall immediately inform the Commission and the other Member States accordingly.***

Amendment 328

Proposal for a regulation

Article 59 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Where the Commission finds that a notified body does not meet, or no longer meets, the requirements for its notification, it shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including withdrawal of notification, if necessary.

Amendment 329

Proposal for a regulation

Article 60 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Notified bodies shall ensure rotation between the personnel carrying out different assessment tasks.	***deleted***

Amendment 330

Proposal for a regulation

Article 62

Text proposed by the Commission	*Amendment*
Article 62 ***Implementing acts on notified bodies' obligations and rights*** ***Where this is necessary to ensure a harmonised application of this Regulation and only to the extent necessary to prevent diverging practices leading to unequal treatment of and creating an uneven playing field for economic operators, the Commission may, adopt implementing acts providing details on how to execute the obligations of notified bodies contained in Articles 60 and 61.*** ***Those implementing acts shall be adopted in accordance with examination procedure referred to in Article 88(2).***	***deleted***

Amendment 331

Proposal for a regulation

Article 63 – paragraph 1

Text proposed by the Commission	*Amendment*
The Commission shall ensure that appropriate coordination and cooperation between bodies notified pursuant to Article 47 are put into place and properly operated in the form of a group of notified bodies. Coordination and cooperation in the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation.	The Commission shall ensure that appropriate coordination and cooperation between bodies notified pursuant to Article 47 are put into place and properly operated in the form of a group of notified bodies. ***Member States shall ensure that the bodies notified by them participate in the work of that group, directly or by means of designated representatives.*** Coordination and cooperation in the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation.

Amendment 332

Proposal for a regulation

Article 63 – paragraph 2

Text proposed by the Commission	*Amendment*
Notified bodies shall participate in the work of that group, directly or by means of designated representatives.	***deleted***

Amendment 333

Proposal for a regulation

Article 63 – paragraph 3

Text proposed by the Commission	*Amendment*
Notified bodies shall ***apply*** as general guidance the administrative decisions and documents produced by that group.	Notified bodies shall ***take into account*** as general guidance the administrative decisions and documents produced by that group.

Amendment 334

Proposal for a regulation

Article 64 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. A manufacturer may replace type testing by appropriate technical documentation demonstrating that:	1. A manufacturer may replace type testing ***or type calculation*** by appropriate technical documentation demonstrating that:

Amendment 335

Proposal for a regulation

Article 64 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) for one or several essential characteristics of the product, which the manufacturer places on the market, that product is deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation, in accordance with the conditions set out to that end in the relevant harmonised technical specification ***or a Commission act***; or	(a) for one or several essential characteristics of the product, which the manufacturer places on the market, that product is deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation, in accordance with the conditions set out to that end in the relevant harmonised technical specification; or

Amendment 336

Proposal for a regulation

Article 64 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the product, covered by a harmonised technical specification, which the manufacturer places on the market is a system made of items, which the manufacturer assembles duly following precise instructions, including compatibility criteria in case of individual items, given by the provider of such a system or of a component thereof, who has already tested that system or that item for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are satisfied and when the manufacturer has notably verified that the precise compatibility criteria of the provider are met, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the item provided to ***him.***	(b) the product, covered by a harmonised technical specification ***or by a European technical assessment***, which the manufacturer places on the market is a system made of items, which the manufacturer assembles duly following precise instructions, including compatibility criteria in case of individual items, given by the provider of such a system or ***supplier*** of a component thereof, who has already tested that system or that item for one or several of its essential characteristics in accordance with the relevant harmonised technical specification ***or the European technical assessment***. When these conditions are satisfied and when the manufacturer has notably verified that the precise compatibility criteria of the provider are met, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the item provided to ***them; or***

Amendment 337

Proposal for a regulation

Article 64 – paragraph 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) the construction product, covered by a harmonised standard, which the manufacturer places on the market corresponds to the product-type of another construction product, manufactured by another manufacturer and already tested in accordance with the relevant harmonised standard. When those conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this other product. The manufacturer may use the test results obtained by another manufacturer only after having obtained the authorisation of that manufacturer, who remains responsible for the accuracy, reliability and stability of those test results.

Amendment 338

Proposal for a regulation

Article 66

Text proposed by the Commission	*Amendment*
Article 66	***deleted***
Custom-made non-series products	
1. In relation to products covered by a harmonised technical specification and which are individually manufactured or custom-made in a non-series process in response to a specific order, and which are installed in a single identified construction work by manufacturers who are also responsible for the safe incorporation of those products into construction works, the performance assessment part of the applicable system, as set out in Annex V, may be replaced by the manufacturer by Specific Technical Documentation demonstrating compliance of that product with the applicable requirements and providing data equivalent to those required by this Regulation and the applicable harmonised technical specifications. Equivalence is given where all the data needed and requirements applicable to the particular construction work and its future dismantling, including reuse, remanufacturing and recycling of its installed products, are provided or fulfilled on the basis of state-of-the-art methods.	
2. A notified body or TAB shall, in addition to the tasks set out in Annex V, assess and certify the correct fulfilment of the obligations referred to in paragraph 1.	

Amendment 339

Proposal for a regulation

Article 67 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
A notified body (hereafter: recognising notified body) may refrain from the assessment and verification of a certain item to be assessed or verified in accordance with this Regulation and recognise the assessment and verification undertaken by another notified body for the same economic operator where:	A notified body (hereafter: recognising notified body) may refrain from the assessment and verification of a certain item to be assessed or verified in accordance with this Regulation and recognise the assessment and verification undertaken by another notified body for the same economic operator where ***all of the following applies***:

Amendment 340

Proposal for a regulation

Article 67 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) there is an agreement in place between the two notified bodies obliging them to share all information regarding the assessment and verification and their respective certificates and reports;	***deleted***

Amendment 341

Proposal for a regulation

Article 68 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission shall set up a system allowing any natural or legal person to share complaints or reports related to possible non-compliances with this Regulation.	1. ***Without prejudice to the obligations of economic operators under this Regulation and the activities of market surveillance authorities under Regulation 2019/1020,*** the Commission shall***, in addition,*** set up a system allowing any natural or legal person to share complaints or reports related to possible non-compliances with this Regulation.

Amendment 342

Proposal for a regulation

Article 68 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where the Commission ***consider*** a complaint or report relevant and substantiated, it shall assign it to a market surveillance authority for it to follow-up with the relevant natural or legal person in accordance with Article 11(7), point (a) of Regulation (EU) 2019/1020.	2. Where the Commission ***considers*** a complaint or report relevant and substantiated ***based on clearly defined criteria***, it shall ***without undue delay*** assign it to a market surveillance authority for it to follow-up with the relevant natural or legal person in accordance with Article 11(7), point (a) of Regulation (EU) 2019/1020.

Amendment 343

Proposal for a regulation

Article 68 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The Commission shall adopt implementing acts establishing the criteria and the timeline referred to in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).

Amendment 344

Proposal for a regulation

Article 68 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. As regards construction products that might present a risk to the health and safety of consumers, any interested natural or legal person shall have the possibility to inform the Commission through a separate section of the Safety Gate Portal. The Commission shall give due consideration to the information received and, after verification of its accuracy, where appropriate, forward that information to the relevant Member State's market surveillance authority without undue delay to ensure that those complaints are appropriately followed-up.

Amendment 345

Proposal for a regulation

Article 69 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall designate, amongst their competent authorities, the 'national competent authority' which is the ***focal*** point ***for contacts*** with other Member States.	2. Member States shall designate, amongst their competent authorities, the 'national competent authority' which is the ***single*** point ***of contact for communication*** with other Member States.

Amendment 346

Proposal for a regulation

Article 69 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The designated competent authorities shall have all the powers listed in Article 14(4) of Regulation (EU) 2019/1020. These powers shall be, for the purposes of this Regulation, extended to all economic operators covered by this Regulation.

Amendment 347

Proposal for a regulation

Article 69 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. For the purpose of market surveillance, investigation and enforcement, competent authorities shall have the power to request from other public authorities or bodies relevant information in their possession.

Amendment 348

Proposal for a regulation

Article 70 – title

Text proposed by the Commission	*Amendment*
Procedure to deal with ***non-compliances***	Procedure to deal with ***non-compliance***

Amendment 349

Proposal for a regulation

Article 70 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where a market surveillance authority of one Member State has sufficient reason to believe that certain products covered by a ***construction products standard*** or for which a European technical assessment has been issued, or its manufacturer, is non-compliant, it shall carry out an evaluation in relation to the products and the manufacturer concerned covering the respective requirements laid down by this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.	Where a market surveillance authority of one Member State has sufficient reason to believe that certain products covered by a ***harmonised technical specification*** or for which a European technical assessment has been issued, or its manufacturer, is non-compliant, it shall carry out an evaluation in relation to the products and the manufacturer concerned covering the respective requirements laid down by this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

Amendment 350

Proposal for a regulation

Article 70 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where, in the course of that evaluation, the market surveillance authority finds that the products or its manufacturer does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant economic operators to take all appropriate and proportionate corrective actions to bring the products or ***himself*** into compliance with those requirements and obligations or to withdraw the products from the market, or to recall them, all within a reasonable period and commensurate with the nature and degree of the non-compliance. The corrective action required to be taken by the economic operators may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.	Where, in the course of that evaluation, the market surveillance authority finds that the products or its manufacturer does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant economic operators to take all appropriate and proportionate corrective actions to bring the products or ***their manufacturer*** into compliance with those requirements and obligations or to withdraw the products from the market, or to recall them, all within a reasonable period and commensurate with the nature and degree of the non-compliance. The corrective action required to be taken by the economic operators may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

Amendment 351

Proposal for a regulation

Article 70 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where, within ***two*** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State in relation to the product concerned, that measure shall be deemed justified.	7. Where, within ***3*** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State in relation to the product concerned, that measure shall be deemed justified.

Amendment 352

Proposal for a regulation

Article 71 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where, on completion of the procedure set out in Article 70(4), objections are raised against a measure taken by a Member State or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall ***decide by means of*** implementing act ***adopted*** whether the measure is justified or not.	Where, on completion of the procedure set out in Article 70(4), objections are raised against a measure taken by a Member State or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall ***adopt implementing acts, within four months of the notification received pursuant to Article 70(4), setting out its decision*** whether the measure is justified or not.

Amendment 353

Proposal for a regulation

Article 71 – paragraph 2

Text proposed by the Commission	*Amendment*
2. If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant product is withdrawn from their markets and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.	2. If the national measure is considered justified, all Member States shall***, without delay,*** take the necessary measures to ensure that the non-compliant product is withdrawn from their markets and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

Amendment 354

Proposal for a regulation

Article 71 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Where the national measure is considered to be justified and the non-compliance of the construction product is attributed to shortcomings in a European assessment document, as referred to in Article 70(5), point (c), the Commission shall inform the organisation of TABs of the shortcoming and, if necessary, request the revision of the European assessment document concerned.

Amendment 355

Proposal for a regulation

Article 73

Text proposed by the Commission	*Amendment*
Article 73	***deleted***
Minimum checks and minimum human resources	
1. The Commission is empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation by laying down the minimum number of checks to be performed by the market surveillance authorities of each Member State on specific products covered by harmonised technical specifications or in relation to specific requirements set out in such measures in order to ensure checks are performed on a scale adequate to safeguard the effective enforcement of this Regulation. The delegated acts may, where relevant, specify the nature of the checks required and methods to be used.	
2. The Commission is also empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation by laying down the minimum human resources to be deployed by Member States for purposes of market surveillance with regard to products covered by this Regulation.	

Amendment 356

Proposal for a regulation

Article 74 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) elaborate guidelines for the application and enforcement of requirements and obligations set out in ***delegated acts referred to in Article 4(3) and (4) and Article 5(2) and (3) and the delegated acts referred to in Article 22(4)***, including common practices and methodologies for effective market surveillance.	(d) elaborate guidelines for the application and enforcement of requirements and obligations set out in ***harmonised technical specifications adopted pursuant to this Regulation***, including common practices and methodologies for effective market surveillance***, such as the number and type of checks to be performed by market surveillance authorities;***

Amendment 357

Proposal for a regulation

Article 74 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) elaborate guidelines for economic operators on the harmonised application of this Regulation.

Amendment 358

Proposal for a regulation

Article 75 – paragraph 1

Text proposed by the Commission	*Amendment*
Market surveillance authorities shall have the right to recover from economic operators ***in possession of a non-compliant*** product ***or from the manufacturer*** the costs of document inspection and physical product testing.	***Where a product has been found to be non-compliant,*** market surveillance authorities shall have the right to recover from economic operators ***who placed or made available the*** product ***on the market*** the costs of document inspection and physical product testing***, with a justification of those costs***.

Amendment 359

Proposal for a regulation

Article 77 – paragraph 8

Text proposed by the Commission	*Amendment*
8. Member States and the Commission may use artificial intelligence to detect diverging decision making practices.	8. Member States and the Commission may use artificial intelligence ***systems*** to detect diverging decision making practices.

Amendment 360

Proposal for a regulation

Article 78

Text proposed by the Commission	*Amendment*
Article 78	***deleted***
EU construction products database or system	
1. The Commission is empowered to supplement this Regulation by means of delegated act according to Article 87, by setting up a Union construction products database or system that builds to the extent possible on the Digital Product Passport established by Regulation (EU) ... [Regulation on ecodesign for sustainable products].	
2. Economic operators may access all information stored in that database or system which regards them specifically. They may request that incorrect information is corrected.	
3. The Commission may, by implementing acts give access to this database or system to certain authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation provided that these countries:	
(a) ensure confidentiality,	
(b) are partners of a mechanism for lawful transfers of personal data compliant with the Regulation (EU) 2016/679 [48] ***,***	
(c) commit to engage actively by notifying facts that might trigger the need for action of market surveillance authorities, and	
(d) commit to engage against economic operators infringing this Regulation from their territory.	
Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).	
(48) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1–88.	

Amendment 361

Proposal for a regulation

Article 79 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall support economic operators by product contact points for construction. Member States shall designate and maintain at least one product contact point for construction on their territory and shall ensure that their product contact points for construction have sufficient powers and adequate resources for the proper performance of their tasks ***and at any rate at least one full-time equivalence per Member State and one additional full-time equivalence per each ten millions of inhabitants***. They shall ensure that product contact points for construction deliver their services in accordance with Regulation (EU) 2018/1724 ([49]) and that they coordinate with the contact points for mutual recognition established by Article 9(1) of Regulation (EU) No 2019/515 ([50]) .	1. Member States shall support economic operators by product contact points for construction. Member States shall designate and maintain at least one product contact point for construction on their territory and shall ensure that their product contact points for construction have sufficient powers and adequate resources for the proper performance of their tasks. They shall ensure that product contact points for construction deliver their services in accordance with Regulation (EU) 2018/1724 ([49]) and that they coordinate with the contact points for mutual recognition established by Article 9(1) of Regulation (EU) No 2019/515 ([50]) .
([49]) Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012; OJ L 295, 21.11.2018, p. 1–38.	([49]) Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012; OJ L 295, 21.11.2018, p. 1–38.
([50]) Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008; OJ L 91, 29.3.2019, p. 1–18.	([50]) Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008; OJ L 91, 29.3.2019, p. 1–18.

Amendment 362

Proposal for a regulation

Article 79 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Product contact points for construction shall respond within 15 working days of receiving any request under paragraph 3.	3. Product contact points for construction shall respond ***or provide information free of charge*** within 15 working days of receiving any request under paragraph 3.

Amendment 363

Proposal for a regulation

Article 79 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Product contact points for construction shall not charge any fee for the provision of the information under paragraph 3.	***deleted***

Amendment 364

Proposal for a regulation

Chapter IX a (new)

Text proposed by the Commission	*Amendment*
	Chapter IXa
	Construction digital product passport and product passport registry
	Article 81a
	Establishment of the construction digital product passport
	1. The Commission shall adopt delegated acts in accordance with Article 87 to supplement this Regulation by setting up a construction digital product passport in accordance with the conditions set out in this Chapter.
	The construction digital product passport shall be compatible and interoperable with the digital product passport established by the regulation (EU) [Regulation on eco design for sustainable products], without compromising interoperability with Building Information Modelling (BIM) by taking into account the specific characteristics and requirements related to construction products.
	2. The construction digital product passport shall consist of:
	(a) the declaration of performance or the combined declaration of performance and conformity;

Text proposed by the Commission	*Amendment*
	(b) the product information laid down in Annex I Part D; and
	(c) technical documentation referred to in Articles 64(1), 65(1), 66(1) and Annex II point 11(b).
	3. The construction digital product passport shall be accessible via electronic means through the data carrier.
	4. The following data carriers or similar means may be used to access the construction digital product passport:
	(a) QR code;
	(b) bar code;
	(c) RFID chip;
	(d) permalink.
	5. The construction digital product passport shall be accessible free of charge to all economic operators, clients, users and authorities through the data carrier. Different levels of access can be provided taking into account the need to protect intellectual property rights, sensitive commercial information or to ensure the safety of construction works.
	6. Construction digital product passports shall be made accessible on the manufacturer's website, database or an online platform chosen by the manufacturer of the respective products for 10 years after the last product has been placed on the market. After this time frame, the information shall either continue to be made accessible by the manufacturer or shall be transferred to the centralised Commission registry established in accordance with Article 81d.
	7. The manufacturer shall at least biennially verify the correctness of the information contained in the construction digital product passport.
	8. Once a construction product is placed on the market, the information in the construction digital product passport connected to it may only be modified in order to correct clerical mistakes. Any modifications shall be available using the same data carrier and shall include detailed information about the new version and the reasons for the update.

Text proposed by the Commission	*Amendment*
	Article 81b
	General requirements for the construction digital product passport
	1. A construction digital product passport shall meet the following conditions:
	(a) it shall be connected through one or more than one data carrier to the unique identification code of the product-type;
	(b) the data carrier shall be affixed in a visible, legible and inedible manner to the product or to a label attached to it. Where the nature of the product does not allow or guarantee this, it shall be indicated on the packaging or on the accompanying documents;
	(c) the data carrier shall comply with standard ('ISO/IEC') 15459:2015;
	(d) all information included in the construction digital product passport shall be based on open, standards, developed with an interoperable format and shall be machine-readable, structured, and searchable, in accordance with the essential requirements set out in Article 81c. Technical documentation referred to in Article 81a(2)(c) shall be exempted from this obligation when justified for technical reasons;
	(e) the information included in the construction digital product passport shall refer to the product corresponding to the unique identification code of the product-type.
	The Commission is empowered to adopt delegated acts in accordance with Article 87 to amend the first subparagraph, point (c), of this Article in light of technical and scientific progress by replacing the standard referred to in that point or adding other European or international standards with which the data carrier and the unique identifiers shall comply for the purposes of meeting the conditions set out in this Article.
	2. The economic operator placing the product on the market shall provide other economic operators with a digital copy of the data carrier to allow the other economic operator to make it accessible to customers where they cannot physically access the product. The economic operator placing the product on the market shall provide that digital copy free of charge and within 5 working days of the request of the other economic operator.

Text proposed by the Commission	*Amendment*
	Article 81c
	Technical design and operation of the construction digital product passport
	The technical design and operation of the construction digital product passport shall comply with the following essential requirements:
	(a) construction digital product passports shall be fully interoperable with other construction digital product passports in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;
	(b) the data included in the construction digital product passport shall be stored by the manufacturers responsible for its creation or by operators authorised to act on their behalf;
	(c) if the data included in the construction digital product passport is stored or otherwise processed by operators authorised to act on their behalf, those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services;
	(d) the construction digital product passport shall remain available for at least 10 years after the last placing on the market of the respective construction product, including after an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created the product passport; after this time frame information can continue to be made available by manufacturer or shall be transferred to the centralised Commission registry;
	(e) data authentication, reliability and integrity shall be ensured;
	(f) construction digital product passports shall be designed and operated so that a high level of security and privacy is ensured and fraud is avoided.
	The Commission is empowered to adopt delegated acts in accordance with Article 87 to amend the essential requirements specified in this Article in light of technical and scientific progress.

Text proposed by the Commission	*Amendment*
	Article 81d
	Construction product passport registry
	1. The Commission shall set up and maintain a registry storing information included in the construction product passports by delegated acts adopted pursuant to Article 87.
	The registry referred to in the first subparagraph shall include, at least:
	(a) a list of the data carriers and the unique product identifiers referred to in Article 81b(1), point (a);
	(b) the information set out in Article 81a(2), as transferred by manufacturer.
	The Commission shall ensure that the information stored in the registry referred to in the first subparagraph is processed securely and in compliance with Union law, including applicable rules on the protection of personal data.
	2. The Commission shall adopt delegated acts pursuant to Article 87 supplementing this Regulation by specifying the information which, in addition to being included in the product passport, shall be stored in the registry referred to in paragraph 1 of this Article, taking into account at least the following criteria:
	(a) the need to allow for the verification of the authenticity of the product passport;
	(b) the relevance of information for improving the efficiency and effectiveness of market surveillance checks and customs controls in relation to construction products;
	(c) the need to avoid a disproportionate administrative burden for economic operators.
	3. In relation to its responsibility to establish and manage the registry referred to in paragraph 1 and the processing of any personal data that might result from that activity, the Commission shall be regarded as controller as defined in Article 3, point (8) of Regulation (EU) 2018/1725.
	4. The economic operator placing the product on the market shall upload, in the registry referred to in paragraph 1, the information referred to in paragraph 2.

Amendment 365

Proposal for a regulation

Article 82 – paragraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) scientific, technical, and regulatory matters, aiming to improve product safety or the protection of the environment;	(e) scientific, technical, and regulatory matters, aiming to improve product safety or the protection of the environment ***and consumers***;

Amendment 366

Proposal for a regulation

Article 82 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	The Commission shall regularly inform Member States about the cooperation activities with third countries or international organisations it undertakes pursuant to the first subparagraph.

Amendment 367

Proposal for a regulation

Article 82 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Commission may provide third countries or international organisations with selected information from the product ***database or system referred to in Article 78,*** to the system referred to in Article 77 and to the information exchanged amongst authorities in accordance with this Regulation and receive relevant information on products and on preventive, restrictive and corrective measures taken by these third countries or international organisations. The Commission shall share such information with national authorities, where relevant.	2. The Commission***, after consultation with the Member States,*** may provide third countries or international organisations with selected information from the ***digital construction*** product ***passport*** to the system referred to in Article 77 and to the information exchanged amongst authorities in accordance with this Regulation and receive relevant information on products and on preventive, restrictive and corrective measures taken by these third countries or international organisations. The Commission shall share such information with national authorities, where relevant.

Amendment 368

Proposal for a regulation

Article 82 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where agreements with third countries permit the mutual support in terms of enforcement, Member States may, after consultation of the Commission, use the empowerments set out in Chapter VIII also for action against economic operators acting unlawful in or with respect to third countries, provided that the third countries respect the fundamental values referred to in Article 2 TEU, including the rule of law. Member States may request via the Commission third countries to enforce measures adopted in accordance with Chapter VIII. No cooperation under this Paragraph shall happen where there is no de facto reciprocity or where the Commission raises other concerns, namely with regard to the legal conditions set out in this Article or confidentiality of data.	***deleted***

Amendment 369

Proposal for a regulation

Article 83 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where Member States provide incentives for a product category covered by ***a delegated act establishing*** performance classes in accordance with Article ***4(4), point (a) or a "traffic-light-labelling"*** in accordance with Article 22(5), those incentives shall aim at the highest two ***populated*** classes ***/ colour codes, or at higher classes / better colour codes.***	Where Member States provide incentives for a product category covered by performance classes ***established*** in accordance with Article ***4 or a label*** in accordance with Article 22(5), those incentives shall aim at the highest two classes.

Amendment 370

Proposal for a regulation

Article 83 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where ***a delegated act defines*** classes of performance in relation to more than one sustainability parameter, it shall be indicated therein in relation to which parameter this Article should be implemented.	Where classes of performance ***are defined*** in relation to more than one sustainability parameter, it shall be indicated therein in relation to which parameter this Article should be implemented.

Amendment 371

Proposal for a regulation

Article 83 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where no delegated act is adopted pursuant to Article 4(4), the Commission may specify in the delegated acts adopted pursuant to Article 4(3), which levels of performance related to product parameters the Member States incentives shall concern. ***When doing so, the Commission shall take into account the following criteria:*** ***(a) the relative affordability of the products depending on their level of performance;*** ***(b) the need to ensure sufficient demand for more environmentally sustainable products.***	***deleted***

Amendment 372

Proposal for a regulation

Article 83 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States may also provide incentives for the promotion of environmentally friendly and sustainable construction products that are not covered by harmonised technical specifications in line with State aid rules.

Amendment 373

Proposal for a regulation

Article 84 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission is empowered to ***supplement this Regulation by*** delegated acts ***according to*** Article 87 by establishing sustainability requirements ***applicable*** to public contracts, including implementation, monitoring and reporting of those requirements by Member States.	1. ***Without prejudice to Directives 2014/24/EU and 2014/25/EU,*** the Commission is empowered to ***adopt*** delegated acts ***in accordance with*** Article 87 ***supplementing this Regulation*** by establishing sustainability requirements ***that shall be applied by Member States*** to public ***contracts that are specifically tendered as green public procurement*** contracts, including implementation, monitoring and reporting of those requirements by Member States. ***The first delegated act shall be adopted by the Commission by 31 December 2026. Member States and the Commission shall provide technical and financial assistance to national contracting authorities to upskill and reskill the staff in charge of green public procurement.***

Amendment 374

Proposal for a regulation

Article 84 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Requirements ***adopted*** pursuant to paragraph 1 for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory technical specifications, selection criteria, award criteria***,*** contract performance clauses, ***or targets, as appropriate***.	2. ***Sustainability*** requirements ***established*** pursuant to paragraph 1 for ***green*** public ***procurement*** contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory ***performance levels or*** technical specifications***, or, as appropriate***, selection criteria, award criteria ***or*** contract performance clauses, ***while taking into consideration the specific needs and constraints of small local authorities and of SMEs***.

Amendment 375

Proposal for a regulation

Article 84 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. When establishing requirements pursuant to paragraph 1 for public contracts, the Commission shall take into account the following criteria:	3. When establishing ***sustainability*** requirements pursuant to paragraph 1 for ***green*** public ***procurement*** contracts, the Commission shall***, in line with paragraphs 13 and 28 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, consult experts designated by each Member State and relevant stakeholders, carry out an impact assessment and*** take into account ***at least*** the following criteria:

Amendment 376

Proposal for a regulation

Article 84 – paragraph 3 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) environmental benefits entailed by the uptake of products in the highest two performance classes;

Amendment 377

Proposal for a regulation

Article 84 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs.	(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs ***and taking into account the availability of those products on the market;***

Amendment 378

Proposal for a regulation

Article 84 – paragraph 3 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) the Members States' regulatory needs and different climate conditions;

Amendment 379

Proposal for a regulation

Article 84 – paragraph 3 – point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) the impact on, and needs of, SMEs.

Amendment 380

Proposal for a regulation

Article 84 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Sustainability requirements established pursuant to paragraph 1 for green public procurement contracts shall not prevent Member States from establishing more ambitious requirements.

Amendment 381

Proposal for a regulation

Article 84 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. Notwithstanding paragraphs 1 and 2, Member States may use the EU Ecolabel and other national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010 as award criteria, technical specifications or contract performance requirements, in line with Article 43 of Directive 2014/24/EU.

Amendment 382

Proposal for a regulation

Article 88 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission shall be ***assisted*** by the Committee on Construction Products. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply (advisory procedure).	1. The Commission shall be ***guided*** by the Committee on Construction Products. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply (advisory procedure).

Amendment 383

Proposal for a regulation

Article 89 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
All documentation required by Article 19(7),Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format and in a way that permits downloads via unmodifiable links (permalinks).	All documentation required by Article 19(7),Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format and in a way that permits downloads via unmodifiable links (permalinks ***or other data carriers***).

Amendment 384

Proposal for a regulation

Article 89 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
All information obligations set up by Article 7(3)***, (4) and (6)***, Article 19(1), (3), (5) and (6)***, Article 20(2) and (3)***, Article 21(6) to (9), Article 22(2), points (f) and (i), Article 23(5), Article 24(6), Article 25(2), Article ***26(4)***, Article ***27(2)***, Articles ***28*** to 39, Article 41(3), Article 44(3), (4), (6) and (7), Article 45(3), Article 46(2), Article 47, article 49(5), Article 50(11), Article 53(1), Article 58(1), Article 59(2), Article 61, Article 70(1), (2), (4) and (6), Article 71(2), Article 72(1), (3) and (5), Article 76, Article 77, Article ***78(3), Article*** 79(2), Article 79(3), Article 80(2), Article 82(1) to (3), (6) and (7) and Article 91 can be satisfied by electronic means. ***However,*** information to be provided in accordance with Annex I Part ***D and harmonised technical specifications specifying it shall be provided on paper for products not labelled "not for consumers" or "only for professional use". Moreover, consumers may request*** any other information ***to*** be provided ***on*** paper.	All information obligations set up by Article 7(3) ***and (4)***, Article 19(1), (3), (5) and (6), Article 21(6) to (9), Article 22(2), points (f) and (i), Article 23(5), Article 24(6), Article 25(2), Article ***27(2)***, Article ***28, Article 29, Article 31, Article 32***, Articles ***34*** to 39, Article 41(3), Article 44(3), (4), (6) and (7), Article 45(3), Article 46(2), Article 47, article 49(5), Article 50(11), Article 53(1), Article 58(1), Article 59(2), Article 61, Article 70(1), (2), (4) and (6), Article 71(2), Article 72(1), (3) and (5), Article 76, Article 77, Article 79(2), Article 79(3), Article 80(2), Article 82(1) to (3), (6) and (7) and Article 91 can be satisfied by electronic means. Information to be provided in accordance with Annex I Part ***C3, as well as*** any other information***, shall*** be provided ***in*** paper ***format free of charge within one month, if requested by the consumer at the time of purchase***.

Amendment 385

Proposal for a regulation

Article 90 – paragraph 2 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) withholding data or technical documentation that could lead to the recall of the construction product or its components or to the refusal or withdrawal of the declaration of conformity;

Amendment 386

Proposal for a regulation

Article 90 – paragraph 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) making false statements during the assessment and verification procedures undergone with a view to drawing up the declarations of performance and conformity;

Amendment 387

Proposal for a regulation

Article 90 – paragraph 2 – point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) falsifying test results for conformity or for market surveillance;

Amendment 388

Proposal for a regulation

Article 90 – paragraph 2 – point g

Text proposed by the Commission	*Amendment*
(g) information to be provided in accordance with Annex I Part ***D*** and harmonised technical specifications is missing, incomplete or incorrect;	(g) information to be provided in accordance with Annex I Part ***C3*** and harmonised technical specifications is missing, incomplete or incorrect;

Amendment 389

Proposal for a regulation

Article 90 – paragraph 2 – point m

Text proposed by the Commission	*Amendment*
(m) 3D-printing services are provided under infringement of Article 28.	***deleted***

Amendment 390

Proposal for a regulation

Article 90 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission is empowered to supplement this Regulation by delegated act adopted in accordance with Article 87 in order to establish proportionate minimum penalties, targeting all economic operators, TABs and notified bodies directly or indirectly involved in the infringement of obligations of this Regulation.	***deleted***

Amendment 391

Proposal for a regulation

Article 91 – paragraph 1

Text proposed by the Commission	*Amendment*
No sooner than ***8*** years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.	No sooner than ***5*** years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The ***evaluation shall inter alia assess the correlation of the revised Construction Products Regulation with Regulation (EU) ... (Ecodesign for Sustainable Products Regulation). The*** Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

Amendment 392

Proposal for a regulation

Article 92 – paragraph 1

Text proposed by the Commission	*Amendment*
Regulation (EU) 305/2011 is repealed with effect from ***1 January 2045***.	Regulation (EU) 305/2011 is repealed with effect from ***[the date of entry into force of this Regulation], with the exception of Articles 2 to 9, 11, 27 and 28, which are repealed with effect from [10 years after the date of entry into force of this Regulation]***.

Amendment 393

Proposal for a regulation

Article 92 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	The Articles listed in the first subparagraph shall only be applicable to European assessment documents and harmonised standards cited in accordance with Regulation (EU) 305/2011 and not withdrawn afterwards.

Amendment 394

Proposal for a regulation

Article 93 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. ***The following*** standards ***remain valid under*** this Regulation***, as standards referred to in the first subparagraph of Article 4(2):***	3. ***All*** standards ***that are in force on [date of application of*** this Regulation***] shall remain valid until they are withdrawn by the Commission or otherwise repealed.***

Amendment 395

Proposal for a regulation

Article 93 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a)	***deleted***

Amendment 396

Proposal for a regulation

Article 93 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
(b)	***deleted***

Amendment 397

Proposal for a regulation

Article 93 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) [to be inserted during the negotiations of the legislators].	***deleted***

Amendment 398

Proposal for a regulation

Article 93 – paragraph 4

Text proposed by the Commission	*Amendment*
4. European assessment documents issued before [***1 year after*** entry into force] remain valid until [***3*** years after entry into force], unless they have expired for other reasons. Products placed on the market on the basis of these may be further made available on the market for another five years.	4. European assessment documents issued before [entry into force] remain valid until [***5*** years after entry into force], unless they have expired for other reasons. Products placed on the market on the basis of these may be further made available on the market for another five years.

Amendment 399

Proposal for a regulation

Article 93 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Notified bodies' certificates ***or test reports*** and European technical assessments issued under Regulation (EU) 305/2011 remain valid for five years after the entry into force of harmonised technical specifications for the respective product family or category adopted in accordance with Article 4(2), unless these documents have expired for other reasons. Products placed on the market on the basis of these documents may be further made available on the market for another five years.	5. Notified bodies' certificates and European technical assessments issued under Regulation (EU) 305/2011 remain valid for five years after the entry into force of harmonised technical specifications for the respective product family or category adopted in accordance with Article 4(2), unless these documents have expired for other reasons. Products placed on the market on the basis of these documents may be further made available on the market for another five years.

Amendment 400

Proposal for a regulation

Article 93 a (new)

Text proposed by the Commission	*Amendment*
	Article 93a
	Working plan for transition and standardisation priorities
	1. The Commission shall, not later than [6 months after entry into force], establish a working plan covering at least the following three-year period.
	The Commission shall be supported by an expert group composed of experts designated by the Member States and representatives of European standardisation organisations and of relevant European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012 ('the CPR Acquis Expert Group').
	The working plan referred to in the first subparagraph shall be publicly available. The Commission shall renew and update the working plan for the following three-year period one year before its expiration as long as this Regulation remains applicable.

Text proposed by the Commission	*Amendment*
	If the Commission considers that it cannot achieve the goals set out in the working plan, it shall amend it accordingly without undue delay.
	2. The working plan shall contain a list of product families or categories which are considered as priorities for the development of harmonised technical specifications and the issuing of standardisation requests in accordance with Article 4(2), Article 4a and Article 5 of this Regulation. This list shall be updated yearly after consultation with the CPR Acquis expert group.
	3. In establishing the priorities under paragraph 2 of this Article, the Commission shall pay particular attention to the replacement of harmonised technical specifications adopted under Regulation (EU) 305/2011, the regulatory needs of Member States, safety issues related to construction works and products and EU climate and circular economy goals. The Commission shall use a transparent and balanced methodology published together with the working plan.
	4. Following the establishment of the working plan, Member States shall communicate to the Commission the essential characteristics they require for the relevant construction product family or category, including the assessment methods they apply and any threshold levels or performance classes that they deem necessary, as well as other product requirements.
	When Member States communicate their regulatory needs to the Commission pursuant to the first subparagraph, the Commission shall integrate them in the standardisation request within 12 months. The Commission shall provide a statement of reasons where it refuses to integrate those regulatory needs.
	5. The Commission shall, once a year, report to the Member States and the European Parliament about progress in implementing the working plan, including the standardization requests issued and, where appropriate, delays in implementation and its reasons. That report shall include information about the number of standards proposed by the European standardisation organisations, the average time needed for the assessment of standards by the Commission, and the ratio between standards accepted and rejected by the Commission.

Amendment 401

Proposal for a regulation

Annex I – title

Text proposed by the Commission	*Amendment*
Requirements	Requirements ***for construction works and products***

Amendment 402

Proposal for a regulation

Annex I – Part A – title

Text proposed by the Commission	*Amendment*
Basic requirements for construction works ***and essential characteristics to be covered***	Basic requirements for construction works

Amendment 403

Proposal for a regulation

Annex I – Part A – point 1 – paragraph 1

Text proposed by the Commission	*Amendment*
Basic requirements for construction works	***deleted***

Amendment 404

Proposal for a regulation

Annex I – Part A – point 1 – point 1.1 – paragraph 2

Text proposed by the Commission	*Amendment*
The construction works and ***any part*** of them shall be designed, constructed, used, maintained and demolished in such a way that all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the construction works, or movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.	The construction works and ***the relevant parts*** of them shall be designed, constructed, used, maintained and demolished in such a way that all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the construction works, or movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.

Amendment 405

Proposal for a regulation

Annex I – Part A – point 1 – point 1.2 – paragraph 2

Text proposed by the Commission	*Amendment*
The construction works and ***any part*** of them shall be designed, constructed, used, maintained and demolished in such a way that an event of fire is appropriately prevented. In case of a fire, the fire shall be detected and an alarm or alert shall be triggered without a delay. The fire and smoke shall be contained and controlled, and the occupants of the construction works shall be protected against fire and smoke. There shall be appropriate arrangements to ensure safe escape and evacuation of the construction works for all its occupants.	The construction works and ***the relevant parts*** of them shall be designed, constructed, used, maintained and demolished in such a way that an event of fire is appropriately prevented. In case of a fire, the fire shall be detected and an alarm or alert shall be triggered without a delay. The fire and smoke shall be contained and controlled, and the occupants of the construction works shall be protected against fire and smoke. There shall be appropriate arrangements to ensure safe escape and evacuation of the construction works for all its occupants.

Amendment 406

Proposal for a regulation

Annex I – Part A – point 1 – point 1.3 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they, throughout their life cycle, do not ***present acute or chronic threat to the*** health and safety of workers, occupants ***or neighbors*** as a result of any of the following:	The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they, throughout their life cycle, do not ***adversely affect the hygiene or*** health and safety of workers, occupants***, or neighbours*** as a result of any of the following:

Amendment 407

Proposal for a regulation

Annex I – Part A – point 1 – point 1.3 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the emissions of hazardous substances***,*** volatile organic compounds or hazardous particles into indoor air;	(a) the emissions of hazardous substances volatile organic compounds***, odours*** or hazardous particles into indoor air;

Amendment 408

Proposal for a regulation

Annex I – Part A – point 1 – point 1.3 – paragraph 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) the release of microplastics;

Amendment 409

Proposal for a regulation

Annex I – Part A – point 1 – point 1.3 – paragraph 2 – point e b (new)

Text proposed by the Commission	*Amendment*
	(eb) as far as possible, the release of substances of concern into indoor air or water;

Amendment 410

Proposal for a regulation

Annex I – Part A – point 1 – point 1.7 – paragraph 1

Text proposed by the Commission	*Amendment*
Hazardous emissions into the outdoor environment of construction works	Emissions into the outdoor environment of construction works

Amendment 411

Proposal for a regulation

Annex I – Part A – point 1 – point 1.7 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the release of hazardous substances or radiation into ground water, marine or surface waters or soil;	(a) the release of hazardous substances***, microplastics,*** or radiation into ***air,*** ground water, marine or surface waters or soil;

Amendment 412

Proposal for a regulation

Annex I – Part A – point 1 – point 1.7 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) the release of ***net*** greenhouse gas emissions into the atmosphere.	(d) the release of greenhouse gas emissions into the atmosphere.

Amendment 413

Proposal for a regulation

Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) use of ***raw*** and secondary materials of high environmental sustainability and thus with a low environmental footprint;	(a) ***maximising the resource efficient*** use of ***by-products*** and secondary***, low-carbon, sustainably sourced bio-based, or local materials as well as raw*** materials of high environmental sustainability and thus with a low environmental footprint;

Amendment 414

Proposal for a regulation

Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) minimizing the overall amount of raw materials used;	(b) minimizing the overall amount of raw materials used ***and maximising the use of secondary materials where applicable***;

Amendment 415

Proposal for a regulation

Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) minimising the overall volumes of waste generated;

Amendment 416

Proposal for a regulation

Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) easy deconstruction, use of sustainably sourced, used and recycled materials.

Amendment 417

Proposal for a regulation

Annex I – Part A – point 2 – title

Text proposed by the Commission	*Amendment*
Essential characteristics ***to be covered***	***PART B: Essential environmental characteristics of construction products***

Amendment 418

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
Harmonised technical specifications shall ***to the extent possible*** cover the following essential characteristics related to life cycle assessment:	Harmonised technical specifications shall cover the following essential characteristics related to life cycle assessment:

Amendment 419

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) ***climate change effects*** (mandatory);	(a) ***Global Warming Potential total*** (mandatory);

Amendment 420

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) Global Warming Potential fossil fuels (mandatory);

Amendment 421

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point a b (new)

Text proposed by the Commission	*Amendment*
	(ab) Global Warming Potential biogenic (mandatory);

Amendment 422

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point a c (new)

Text proposed by the Commission	*Amendment*
	(ac) Global Warming Potential land use and land use change (mandatory);

Amendment 423

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) ***ozone depletion;***	(b) depletion ***potential of the stratospheric ozone layer (mandatory)***;

Amendment 424

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) ***acidification potential***;	(c) ***acidification potential, Accumulated Exceedance (mandatory)***;

Amendment 425

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) ***eutrophication aquatic freshwater***;	(d) ***eutrophication potential, fraction of nutrients reaching freshwater end compartment (mandatory)***;

Amendment 426

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point e

Text proposed by the Commission	*Amendment*
(e) ***eutrophication aquatic marine***;	(e) ***eutrophication potential, fraction of nutrients reaching marine end compartment (mandatory)***;

Amendment 427

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) ***eutrophication terrestrial***;	(f) ***eutrophication potential, Accumulated Exceedance (mandatory)***;

Amendment 428

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point g

Text proposed by the Commission	*Amendment*
(g) ***photochemical ozone***;	(g) ***formation potential of tropospheric ozone (mandatory)***;

Amendment 429

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point h

Text proposed by the Commission	*Amendment*
(h) ***abiotic depletion – minerals, metals;***	(h) ***abiotic depletion potential for non-fossil resources***

Amendment 430

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point i

Text proposed by the Commission	*Amendment*
(i) abiotic depletion – fossil ***fuels***;	(i) abiotic depletion ***for*** fossil ***resources potential (mandatory)***;

Amendment 431

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 2 – point j

Text proposed by the Commission	*Amendment*
(j) water ***use***;	(j) water ***(user) deprivation potential, deprivation-weighted water consumption (mandatory)***;

Amendment 432

Proposal for a regulation

Annex I – Part A – point 2 – paragraph 3

Text proposed by the Commission	*Amendment*
Harmonised technical specifications shall indicate that for the essential ***characteristic of climate change effects*** under ***point (a)*** it is mandatory for the manufacturer to declare the performance of the product as set out in Articles 11(2) and 22(1).	Harmonised technical specifications shall indicate that, for the essential ***characteristics in the first subparagraph*** under ***points (a) to (j),*** it is mandatory for the manufacturer to declare the performance of the product as set out in Articles 11(2) and 22(1). ***By… [5 years after the entry into force of this Regulation], it shall be mandatory for the manufacturer to declare the essential characteristics under points (k) to (p).***

Amendment 433

Proposal for a regulation

Annex I – Part B – title

Text proposed by the Commission	*Amendment*
	PART C: Product requirements
PART ***B***: Requirements ensuring the appropriate functioning and performance of products	PART ***C1***: Requirements ensuring the appropriate functioning and performance of products

Amendment 434

Proposal for a regulation

Annex I – Part C – title

Text proposed by the Commission	*Amendment*
PART ***C***: Inherent product requirements	PART ***C2***: Inherent product requirements

Amendment 435

Proposal for a regulation

Annex I – Part C – point 1 – point 1.2 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) where risk avoidance is not possible, risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use;	(c) where risk avoidance is not possible, risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use***, where such warnings are not already required by other applicable Union legal acts***;

Amendment 436

Proposal for a regulation

Annex I – Part C – point 2 – paragraph 2

Text proposed by the Commission	*Amendment*
Environment relates to the extraction and manufacturing of the materials, the manufacturing of the product, its maintenance, its potential to remain as long as possible within a circular economy and its end of life phase.	Environment relates to the extraction and manufacturing of the materials, the manufacturing of the product***, the transport of materials and products***, its maintenance, its potential to remain as long as possible within a circular economy and its end of life phase.

Amendment 437

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – introductory part

Text proposed by the Commission	*Amendment*
2.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product environmental aspects are addressed ***in accordance with the state of the art***:	2.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product environmental aspects are addressed ***wherever possible without safety loss***:

Amendment 438

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point a

Text proposed by the Commission	*Amendment*
(a) maximising durability in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements;	(a) maximising durability ***and reliability of the product or its components as expressed through a product's guaranteed lifetime, technical lifetime indication of real use information on the product, resistance to stress or ageing mechanisms in order to extend the lifetime of buildings and their use phase and*** in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements***. Emissions from life-cycle extensions should be assessed and compared with demolition and reconstruction emissions through pre-demolition audits***;

Amendment 439

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point c

Text proposed by the Commission	*Amendment*
(c) maximising recycled content ***wherever possible without safety loss or outweighing negative environmental impact***;	(c) maximising ***reused,*** recycled ***renewable, and by-product*** content;

Amendment 440

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point d

Text proposed by the Commission	*Amendment*
(d) selection of safe, environmentally benign substances;	(d) selection of safe, ***sustainable-by-design, and*** environmentally benign substances;

Amendment 441

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point f

Text proposed by the Commission	*Amendment*
(f) resource efficiency;	(f) ***materials and*** resource efficiency***, including maximising the use of renewable materials***;

Amendment 442

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) modularity;

Amendment 443

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point i

Text proposed by the Commission	*Amendment*
(i) reparability during the expected life span;	(i) ***ease of*** reparability during the expected life span;

Amendment 444

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point j

Text proposed by the Commission	*Amendment*
(j) ***possibility*** of maintenance and refurbishment during the expected life span;	(j) ***ease*** of maintenance and refurbishment during the expected life span;

Amendment 445

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point l a (new)

Text proposed by the Commission	*Amendment*
	(la) sustainable sourcing, as demonstrated by due diligence statements and sustainable sourcing certification, where relevant;

Amendment 446

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point l b (new)

Text proposed by the Commission	*Amendment*
	(lb) minimising product-to-packaging ratio;

Amendment 447

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point l c (new)

Text proposed by the Commission	*Amendment*
	(lc) release of odours or substances with adverse effects on human health into indoor air;

Amendment 448

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point l d (new)

Text proposed by the Commission	*Amendment*
	(ld) microplastic release;

Amendment 449

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point l e (new)

Text proposed by the Commission	*Amendment*
	(le) amounts of waste generated, notably hasardous waste and waste without an identified recycling treatment;

Amendment 450

Proposal for a regulation

Annex I – Part C – point 2 – point 2.1 – point l f (new)

Text proposed by the Commission	*Amendment*
	(lf) absence of waste that could be otherwise reused or recycled treated to final disposal, including incineration with recovery of energy, or backfilled.

Amendment 451

Proposal for a regulation

Annex I – Part C – point 2 – point 2.2 – paragraph 1

Text proposed by the Commission	*Amendment*
Harmonised technical specifications shall, as appropriate, specify these inherent product environmental requirements, which might relate to but are in essence independent from the phase of the installation of the product into construction works.	***Delegated acts adopted in accordance with Article 5(2)*** shall, as appropriate, specify these inherent product environmental requirements ***for product families or categories***, which might relate to but are in essence independent from the phase of the installation of the product into construction works.

Amendment 452

Proposal for a regulation

Annex I – Part C – point 2 – point 2.2 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
When specifying the inherent product environmental requirements, ***harmonised technical specifications*** shall at least cover the following elements:	When specifying the inherent product environmental requirements, ***delegated acts*** shall at least cover the following elements:

Amendment 453

Proposal for a regulation

Annex I – Part C – point 2 – point 2.2 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) ***if possible,*** define ***the state of the art of addressing the*** environmental aspects with regard to the respective product category, including the minimum recycled content;	(a) define environmental aspects with regard to the respective product category, ***which shall at least include whole life cycle greenhouse gas emissions, resource efficiency,*** including the minimum recycled content***, and reusability***;

Amendment 454

Proposal for a regulation

Annex I – Part C – point 2 – point 2.2 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) where avoidance is not possible, negative effects and risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use.	(c) where avoidance is not possible, negative effects and risks ***derived from any type of the product's performance*** shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use.

Amendment 455

Proposal for a regulation

Annex I – Part C – point 2 – point 2.2 – paragraph 3

Text proposed by the Commission	*Amendment*
When specifying the inherent product environmental requirements***, harmonised technical specifications may differentiate these in accordance with performance classes***.	***Delegated acts adopted in accordance with Article 5(2) shall, where applicable, determine mandatory threshold levels and classes of performance for particular product families and categories in relation to*** the inherent product environmental requirements ***referred to in paragraph 2***.

Amendment 456

Proposal for a regulation

Annex I – Part D – title

Text proposed by the Commission	*Amendment*
PART ***D***: Product information requirements	PART ***C3***: Product information requirements

Amendment 457

Proposal for a regulation

Annex I – Part D – point 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Products shall be accompanied by the following information:	1. Products shall be accompanied by the following information***, where appropriate***:

Amendment 458

Proposal for a regulation

Annex I – Part D – point 1 – point 1.3 – introductory part

Text proposed by the Commission	*Amendment*
1.3. Transport, installation, maintenance, deconstruction and demolition rules:	1.3. Transport, installation, maintenance, deconstruction***, deinstallation*** and demolition rules***, where applicable***:

Amendment 459

Proposal for a regulation

Annex I – Part D – point 1 – point 1.3 – point a – introductory part

Text proposed by the Commission	*Amendment*
(a) Safety during transport, installation, maintenance, deconstruction and demolition:	(a) Safety during transport, installation***, deinstallation***, maintenance, deconstruction and demolition:

Amendment 460

Proposal for a regulation

Annex I – Part D – point 1 – point 1.3 – point c – point ii

Text proposed by the Commission	*Amendment*
(ii) the type and frequency of inspections and maintenance required for safety reasons and, where appropriate, the parts subject to wear and the criteria for replacement;	(ii) the type and frequency of inspections and maintenance required for safety ***and durability*** reasons and, where appropriate, the parts subject to wear and the criteria for replacement;

Amendment 461

Proposal for a regulation

Annex I – Part D – point 1 – point 1.6 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Where available, information on the performance of the product as measured in terms of its inherent product environmental requirements.

Amendment 462

Proposal for a regulation

Annex II – point 2 – point a

Text proposed by the Commission	*Amendment*
(a) the manufacturer's products registration(s) in EU databases***, and the precise location therein where the product can be found,*** and to his own product presentation website;	(a) the manufacturer's products registration(s) in EU databases and to his own product presentation website;

Amendment 463

Proposal for a regulation

Annex II – point 3 – point h

Text proposed by the Commission	*Amendment*
(h) social media contact details;	(h) social media contact details***, where available***;

Amendment 464

Proposal for a regulation

Annex II – point 4 – point h

Text proposed by the Commission	*Amendment*
(h) social media contact details;	(h) social media contact details***, where available***;

Amendment 465

Proposal for a regulation

Annex II – point 5 – point h

Text proposed by the Commission	*Amendment*
(h) social media contact details.	(h) social media contact details***, where available***.

Amendment 466

Proposal for a regulation

Annex II – point 6 – point h

Text proposed by the Commission	*Amendment*
(h) social media contact details.	(h) social media contact details***, where available***.

Amendment 467

Proposal for a regulation

Annex II – point 11 – point a

Text proposed by the Commission	*Amendment*
(a) the list of essential characteristics, as determined in the harmonised technical specification or European Assessment Document for the respective product category for which a performance is declared.	(a) the list of essential characteristics, as determined in the harmonised technical specification or European Assessment Document for the respective product category for which a performance is declared. ***When no performance is declared for one essential characteristic, its name can still be listed and the place where the performance could be given remains empty.***

Amendment 468

Proposal for a regulation

Annex III – title

Text proposed by the Commission	*Amendment*
Procedure ***for adopting*** a European Assessment ***Document***	Procedure ***concerning*** a European ***Technical*** Assessment

Amendment 469

Proposal for a regulation

Annex III – point 1 – point c

Text proposed by the Commission	*Amendment*
(c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The ***Commission selects the TAB to act as the*** responsible ***TAB, after consulting*** the organisation of TABs.	(c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The ***TAB*** responsible ***for developing the EAD shall be nominated by*** the organisation of TABs.

Amendment 470

Proposal for a regulation

Annex III – point 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) In the absence of a request for a European Technical Assessment, the organisation of TABs may initiate the development of a European Assessment Document. In this case, it shall deliver to the working group responsible for the development of the EAD a technical file describing the product, its use and the details of the factory production control which will be applicable. The TAB responsible for chairing the working group for developing the EAD shall be nominated by the organisation of TABs.

Amendment 471

Proposal for a regulation

Annex III – point 3

Text proposed by the Commission	*Amendment*
3. Work programme ***After the conclusion of the contract with the manufacturer or the Group, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document, the schedule for its execution and indicating the assessment programme. This communication shall take place within 3 months of the receipt of the request for a European Technical Assessment.***	***deleted***

Amendment 472

Proposal for a regulation

Annex III – point 4

Text proposed by the Commission	*Amendment*
4. The draft European Assessment Document ***The organisation of TABs shall finalise a draft European Assessment Document by means of the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in cases foreseen in points 1(a) and 1(b) or the date the Commission communicated to the responsible TAB its observations on the work programme in the case foreseen in point 1(c).***	***deleted***

Amendment 473

Proposal for a regulation

Annex III – point 5

Text proposed by the Commission	*Amendment*
5. Commission Participation ***A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the organisation of TABs at any stage to abandon or modify the development of a certain European Assessment Document, including merging or splitting thereof.***	***deleted***

Amendment 474

Proposal for a regulation

Annex III – point 6

Text proposed by the Commission	*Amendment*
6. Member States consultation ***In the case foreseen in point 1(c), the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution.***	***deleted***

Amendment 475

Proposal for a regulation

Annex III – point 7

Text proposed by the Commission	*Amendment*
7. Extension and delay	***deleted***
Any delay in relation to the time limits set in points 1 to 4 in this Annex shall be reported by the working group to the organisation of TABs and to the Commission.	
If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission.	

Amendment 476

Proposal for a regulation

Annex III – point 8

Text proposed by the Commission	*Amendment*
8. Amendments and adoption of a European Assessment Document	***deleted***
8.1. In cases foreseen in points 1.(a) and 1.(b), the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have 15 working days to react thereto. Thereafter, the organization of TABs shall:	
(a) if applicable, inform the manufacturer or the Group as to how their reactions have been taken into account;	
(b) adopt the draft European Assessment Document;	

Text proposed by the Commission	*Amendment*
(c) send a copy of it to the Commission.	
8.2. In the case foreseen in point 1.(c), the responsible TAB shall:	
(a) adopt the draft European Assessment Document;	
(b) send a copy of it to the Commission.	
If, within 30 working days of receipt, the Commission communicates to the organisation of TABs its observations on the draft European Assessment Document, the organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and shall send a copy of the adopted European Assessment Document in cases foreseen in points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission.	

Amendment 477

Proposal for a regulation

Annex III – point 9

Text proposed by the Commission	*Amendment*
9. Final European Assessment Document to be published	***deleted***
The organisation of TABs shall adopt the final European Assessment Document and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for the publication of its reference in the Official Journal of the European Union. The organisation of TABs shall publish the European Assessment Document.	

Amendment 478

Proposal for a regulation

Annex III a (new)

Text proposed by the Commission	*Amendment*
	Annex III a
	Procedure for adopting a European Assessment Document
	1. Work programme
	In the cases foreseen by points 1(a) and 1(b) of Annex III, after agreement with the manufacturer and the Group respectively, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document and the schedule for its execution, indicating the assessment programme. This communication shall take place within three months of receipt of the request for a European Technical Assessment by a TAB, which shall initiate the procedure as laid down in points 1(a) and 1(b) of Annex III.
	In the case provided for by point 1(c) of Annex III, the organisation of TABs shall submit to the Commission the work programme for drawing up the European Assessment Document with the same content and within the same deadline as indicated in the previous subparagraph. The Commission shall then communicate to the organisation of TABs within 30 working days its observations on the work programme. The responsible TAB or the organisation of TABs, respectively, after having been given the opportunity to comment, shall amend the work programme accordingly.
	In the case foreseen in point 1(d) of Annex III, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document and the schedule for its execution, indicating the assessment programme.
	2. The draft European Assessment Document
	The organisation of TABs shall finalise a draft European Assessment Document by means of the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in the cases foreseen in points 1(a) and 1(b) of Annex III or the date the Commission communicated to the responsible TAB its observations on the work programme in the case foreseen in point 1(c) of Annex III.

Text proposed by the Commission	*Amendment*
	3. Commission Participation
	A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the organisation of TABs at any stage to modify the development of a certain European Assessment Document, including merging or splitting thereof.
	4. Member States consultation
	In the case provided for in point 1(c) of Annex III, the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution.
	Observations from the Member States shall be communicated to, and dealt with by, the Commission. The organisation of TABs shall be informed by the Commission of any change in the work programme, required and agreed by the Commission, within the time frame given to the Commission for commenting on the work programme before starting the development of the EAD.
	5. Extension and delay
	Any delay in relation to the time limits set in point 2 of Annex III or points 1 and 2 of this Annex shall be reported by the working group to the organisation of TABs and to the Commission.
	If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission.
	6. Amendments and adoption of a European Assessment Document
	6.1 In the cases provided for in points 1(a) and 1(b) of Annex III, the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have 15 working days to react thereto. Thereafter, the organisation of TABs shall:
	(a) if applicable, inform the manufacturer or the Group as to how their reactions have been taken into account;

Text proposed by the Commission	*Amendment*
	(b) adopt the draft European Assessment Document; and
	(c) send a copy of it to the Commission.
	6.2 In the cases provided for in points 1(c) and 1(d) of Annex III, the responsible TAB shall:
	(a) adopt the draft European Assessment Document; and
	(b) send a copy of it to the Commission.
	If, within 30 working days of receipt, the Commission communicates to the organisation of TABs its observations on the draft European Assessment Document, the organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and shall send a copy of the adopted European Assessment Document in cases provided for in points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission.
	If no comments are received from the Commission within two months, the European Assessment Document shall be deemed to be accepted by it.
	7. Final European Assessment Document to be published
	The organisation of TABs shall adopt the final European Assessment Document and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for the publication of its reference in the Official Journal of the European Union. Such publication shall take place within 90 days. The organisation of TABs shall publish the European Assessment Document.
	For publishing the reference of an amendment of a European Assessment Document in the Official Journal of the European Union that supersedes the previously cited version of the European Assessment Document, the organisation of TABs shall propose a coexistence period to the Commission. Notifications of notified bodies based on the EAD being referred to as superseded in the Official Journal of the European Union shall not expire and shall remain valid under the conditions of Articles 58 and 59.

Amendment 479

Proposal for a regulation

Annex IV – Table 1

Text proposed by the Commission

Table 1 —Product areas

AREA CODE	PRODUCT AREA
1	PRECAST NORMAL/LIGHTWEIGHT/AUTOCLAVED AERATED CONCRETE PRODUCTS.
2	DOORS, WINDOWS, SHUTTERS, GATES AND RELATED BUILDING HARDWARE.
3	MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL).
4	THERMAL INSULATION PRODUCTS. COMPOSITE INSULATING KITS/SYSTEMS.
5	STRUCTURAL BEARINGS. PINS FOR STRUCTURAL JOINTS.
6	CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.
7	GYPSUM PRODUCTS.
8	GEOTEXTILES, GEOMEMBRANES, AND RELATED PRODUCTS.
9	CURTAIN WALLING/CLADDING/STRUCTURAL SEALANT GLAZING.
10	FIXED FIRE FIGHTING EQUIPMENT (FIRE ALARM/DETECTION, FIXED FIREFIGHTING, FIRE AND SMOKE CONTROL AND EXPLOSION SUPPRESSION PRODUCT).
11	STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES.
12	WOOD BASED PANELS AND ELEMENTS.
13	CEMENT, BUILDING LIMES AND OTHER HYDRAULIC BINDERS.
14	REINFORCING AND PRESTRESSING STEEL FOR CONCRETE (AND ANCILLARIES). POST TENSIONING KITS.
15	MASONRY AND RELATED PRODUCTS. MASONRY UNITS, MORTARS, AND ANCILLARIES.
16	WASTE WATER ENGINEERING PRODUCTS.
17	FLOORINGS.
18	STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.

AREA CODE	PRODUCT AREA
19	INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.
20	ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS. ROOF KITS.
21	ROAD CONSTRUCTION PRODUCTS.
22	AGGREGATES.
23	CONSTRUCTION ADHESIVES.
24	PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.
25	SPACE HEATING APPLIANCES.
26	PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
27	FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS.
28	POWER, CONTROL AND COMMUNICATION CABLES.
29	SEALANTS FOR JOINTS.
30	FIXINGS.
31	BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS.
32	FIRE STOPPING, FIRE SEALING AND FIRE PROTECTIVE PRODUCTS. FIRE RETARDANT PRODUCTS.
33	CONSTRUCTION PRODUCTS NOT INCLUDED IN THE PRODUCT AREAS ABOVE.

Amendment

Table 1 —Product areas

AREA CODE	PRODUCT AREA
1	PRECAST NORMAL/LIGHTWEIGHT/AUTOCLAVED AERATED CONCRETE PRODUCTS.
2	DOORS, WINDOWS, SHUTTERS, GATES AND RELATED BUILDING HARDWARE.
3	MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL).
4	THERMAL INSULATION PRODUCTS. COMPOSITE INSULATING KITS/SYSTEMS.

AREA CODE	PRODUCT AREA
5	STRUCTURAL BEARINGS. PINS FOR STRUCTURAL JOINTS.
6	CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.
7	GYPSUM PRODUCTS.
8	GEOTEXTILES, GEOMEMBRANES, AND RELATED PRODUCTS.
9	CURTAIN WALLING/CLADDING/STRUCTURAL SEALANT GLAZING.
10	FIXED FIRE FIGHTING EQUIPMENT (FIRE ALARM/DETECTION, FIXED FIREFIGHTING, FIRE AND SMOKE CONTROL AND EXPLOSION SUPPRESSION PRODUCT).
11	STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES.
12	WOOD BASED PANELS AND ELEMENTS.
13	CEMENT, BUILDING LIMES AND OTHER HYDRAULIC BINDERS.
14	REINFORCING AND PRESTRESSING STEEL FOR CONCRETE (AND ANCILLARIES). POST TENSIONING KITS.
15	MASONRY AND RELATED PRODUCTS. MASONRY UNITS, MORTARS, AND ANCILLARIES.
16	WASTE WATER ENGINEERING PRODUCTS.
17	FLOORINGS.
18	STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.
19	INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.
20	ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS. ROOF KITS.
21	ROAD CONSTRUCTION PRODUCTS.
22	AGGREGATES.
23	CONSTRUCTION ADHESIVES.
24	PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.
25	SPACE HEATING APPLIANCES.
26	PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
27	FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS.
28	POWER, CONTROL AND COMMUNICATION CABLES.

AREA CODE	PRODUCT AREA
29	SEALANTS FOR JOINTS.
30	FIXINGS.
31	BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS.
32	FIRE STOPPING, FIRE SEALING AND FIRE PROTECTIVE PRODUCTS. FIRE RETARDANT PRODUCTS.
32a	***ATTACHED LADDERS***
33	CONSTRUCTION PRODUCTS NOT INCLUDED IN THE PRODUCT AREAS ABOVE.

Amendment 480

Proposal for a regulation

Annex V – paragraph 1

Text proposed by the Commission	*Amendment*
The manufacturer shall correctly determine the product type pursuant to Article 3, point 31, and the corresponding product category on the basis of the applicable harmonised technical specification. Where a notified body is involved in assessment and verification, the notified body shall verify these determinations***, including the verification that no identical items are declared to be of a different type***.	The manufacturer shall correctly determine the product type pursuant to Article 3, point 31, and the corresponding product category on the basis of the applicable harmonised technical specification. Where a notified body is involved in assessment and verification, the notified body shall verify these determinations.

Amendment 481

Proposal for a regulation

Annex V – point 1 – point b – introductory part

Text proposed by the Commission	*Amendment*
(b) The notified body shall issue the certificate of performance and of conformity on the basis of:	(b) The notified body shall issue the certificate ***of constancy*** of performance and of conformity on the basis of:

Amendment 482

Proposal for a regulation

Annex V – point 1 – point b – point ii

Text proposed by the Commission	*Amendment*
(ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product;	(ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values ***or documentation describing the product*** and, in all these cases, review of the documentation of the product;

Amendment 483

Proposal for a regulation

Annex V – point 1 – point c

Text proposed by the Commission	*Amendment*
(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. ***On this occasion, it shall undertake a check of 50 random points falling under the paragraphs (a) (ii) to (iv) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 50 points and the other verifications to be made in accordance with this paragraph.***	(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control.

Amendment 484

Proposal for a regulation

Annex V – point 2 – point b – introductory part

Text proposed by the Commission	*Amendment*
(b) The notified body shall issue the certificate of performance and of conformity on the basis of:	(b) The notified body shall issue the certificate ***of constancy*** of performance and of conformity on the basis of:

Amendment 485

Proposal for a regulation

Annex V – point 2 – point c

Text proposed by the Commission	*Amendment*
(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. ***On this occasion, it shall undertake a check of 40 random points falling under the items (a) (ii) to (iv) and withdraw the report or certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 40 points and the other verifications to be made in accordance with this paragraph.***	(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control.

Amendment 486

Proposal for a regulation

Annex V – point 3 – point c

Text proposed by the Commission	*Amendment*
(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. ***On this occasion, it shall undertake a check of 30 random points falling under the paragraphs (a) (iii) to (v) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 30 points and the other verifications to be made in accordance with this paragraph.***	(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control.

Amendment 487

Proposal for a regulation

Annex V – point 5 – point a – point i

Text proposed by the Commission	*Amendment*
(i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product;	***deleted***

Amendment 488

Proposal for a regulation

Annex V – point 5 – point b – point i

Text proposed by the Commission	*Amendment*
(i) ***confirmation of the correct determination of the product type and of the product category and confirmation of the correct*** assessment of the performance ***of the product*** on the basis of ***type*** testing (based on sampling carried out by the manufacturer), ***type*** calculation ***or*** tabulated values ***and, in all these cases, review of the*** documentation of the product;	(i) ***an*** assessment of the performance on the basis of ***testing performed by a notified*** testing ***laboratory*** (based on sampling carried out by the manufacturer), calculation***,*** tabulated values ***or descriptive*** documentation of the ***construction*** product;

Amendment 489

Proposal for a regulation

Annex V – point 5 – point b – point ii

Text proposed by the Commission	*Amendment*
(ii) ***undertaking a check of 20 random points falling under the paragraphs (a) (iii) and (iv) and refuse the issuing of a certificate in case it detects more than 2 non-compliance or one particularly grave non-compliance, amongst these 20 points and the other verifications to be made in accordance with this paragraph***.	(ii) ***confirmation of the correct determination of the product type and of the product category***.

Amendment 490

Proposal for a regulation

Annex V – point 7 – point a – introductory part

Text proposed by the Commission	*Amendment*
(a) Inspection of the manufacturing plant shall cover the entire technical part of the plant, at least with regard to the following ***elements***, which shall ensure a continuous orderly manufacturing process:	(a) ***In the case of systems 1+, 1 and 2+,*** inspection of the manufacturing plant shall cover the entire technical part of the plant, at least with regard to the following ***element***, which shall ensure a continuous orderly manufacturing process:

Amendment 491

Proposal for a regulation

Annex V – point 7 – point a – point i

Text proposed by the Commission	*Amendment*
(i) ***appropriate competence of the personnel***;	(i) ***the factory production control specifying the measures and frequencies foreseen to ensure constancy of performance, including the critical to performance parameters***;

Amendment 492

Proposal for a regulation

Annex V – point 7 – point a – point ii

Text proposed by the Commission	*Amendment*
(ii) appropriateness of the technical equipment;	***deleted***

Amendment 493

Proposal for a regulation

Annex V – point 7 – point a – point iii

Text proposed by the Commission	*Amendment*
(iii) appropriateness of the facilities and other conditions influencing the manufacturing;	***deleted***

Amendment 494

Proposal for a regulation

Annex V – point 7 – point b

Text proposed by the Commission	*Amendment*
(b) Factory production control shall cover the process from receipt of the raw materials and components to the dispatch of the product once the production has started ('gate to gate' approach)***. It*** shall assess whether this process is designed and optimised in view of the goal that the products conform with the product type and therefore reach the performances declared in the declaration of performance and are compliant with the requirements set out in or under this Regulation.	(b) Factory production control shall cover the process from receipt of the raw materials and components to the dispatch of the product once the production has started ('gate to gate' approach) ***and include as a minimum the critical to performance parameters. In the case of systems 1+, 1 and 2 +, the notified body*** shall assess whether this process is designed and optimised in view of the goal that the products conform with the product type and therefore reach the performances declared in the declaration of performance and are compliant with the requirements set out in or under this Regulation.

Amendment 495

Proposal for a regulation

Annex V – point 7 – point d

Text proposed by the Commission	*Amendment*
(d) Verification of ***items*** shall, ***to 50 %, target items*** which ***are most likely to contain deficiencies and, to another 50 %, target items chosen at random***.	(d) ***In the case of system 3+, verification shall consist of the*** verification of ***all calculations and input data. In that context, the notified body*** shall ***verify whether the applicable rules on modelling and calculation laid down in the applicable harmonised technical specification or methodology provided by the Commission are followed and whether the calculation model and input data reflect the production process. In case a verified IT tool or one provided by the Commission is used, the verification shall focus on the correct use of the tool. Where secondary data is used, the notified body shall check whether the correct data sets, prescribed by applicable product specific calculation rules contained in the applicable harmonised technical specification or the methodology provided by the Commission, are used. Where company-specific data is used, the reliability of that data shall be verified. To that end, the notified body may undertake an audit of the manufacturing plant to*** which ***the data refer, and shall examine documentation to verify the reliability of the data.***

Amendment 496

Proposal for a regulation

Annex V – point 7 – point f

Text proposed by the Commission	*Amendment*
(f) Where ***the above mentioned failure rates have been trespassed or where a grave error*** or the ***intention to cheat has been detected***, the notified body shall refuse issuing a certificate for at least one year or withdraw the certificate whilst permitting issuing a new one only after ***one year***.	(f) Where***, in the case of system 1+, 1 , 2+ or 3+, there is evidence that the manufacturer has not performed his task properly*** or the ***product performances do not comply with the declared performances***, the notified body shall refuse issuing a certificate for at least one year or withdraw the certificate whilst permitting issuing a new one only after ***the deficiencies have been remedied***.